



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



CANCELLED In usum
UNIV. COLL.
OXON. Magistri

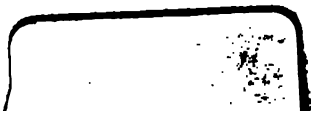
Coll. Magn. Aul. Univ.
in Acad. Oxon.
ex Testamento
Joannis Browne, S. T. P.
olim Magistri
A. D. M^occclxviii.

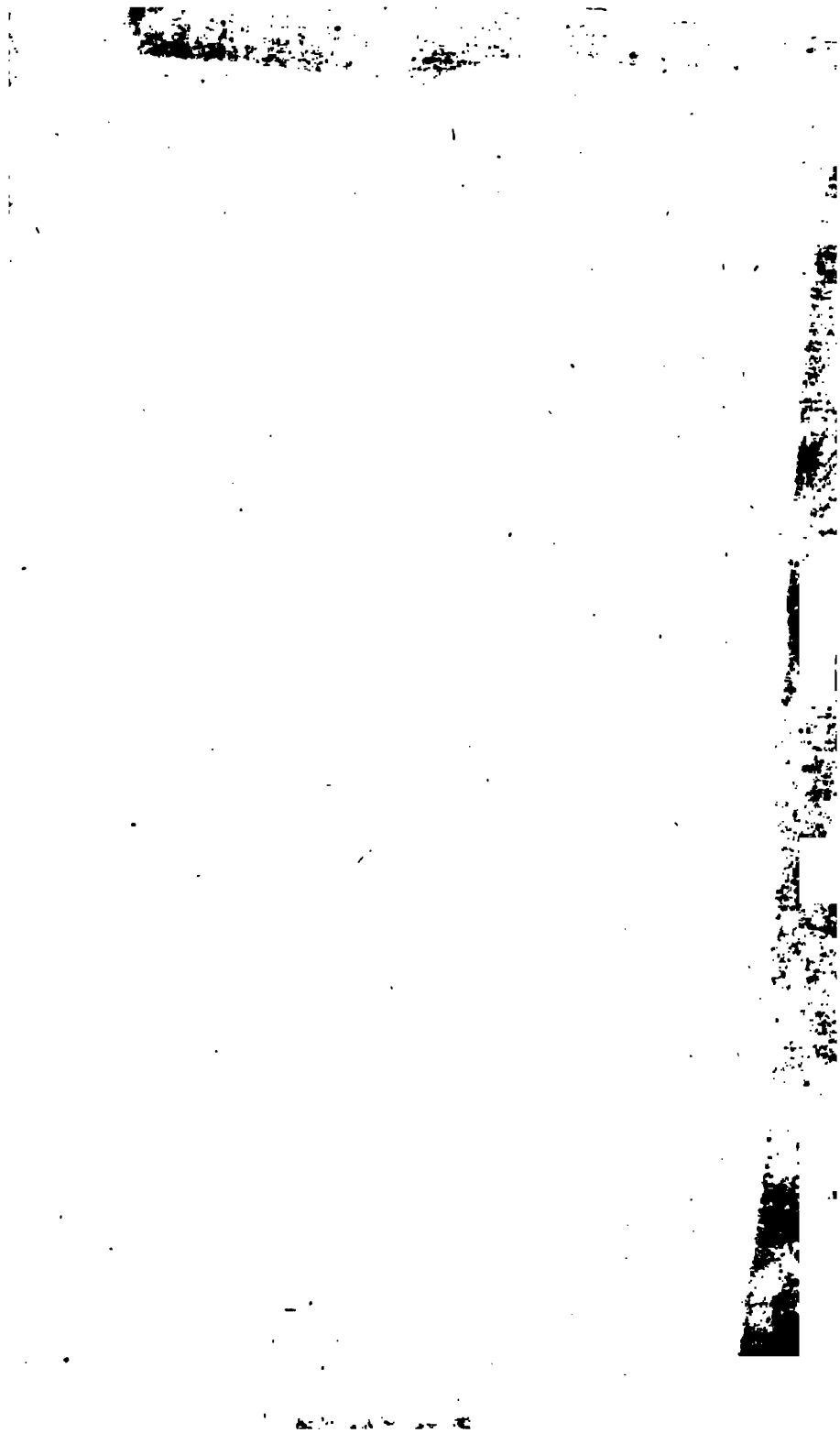
L. Reg. A 69 d. 447

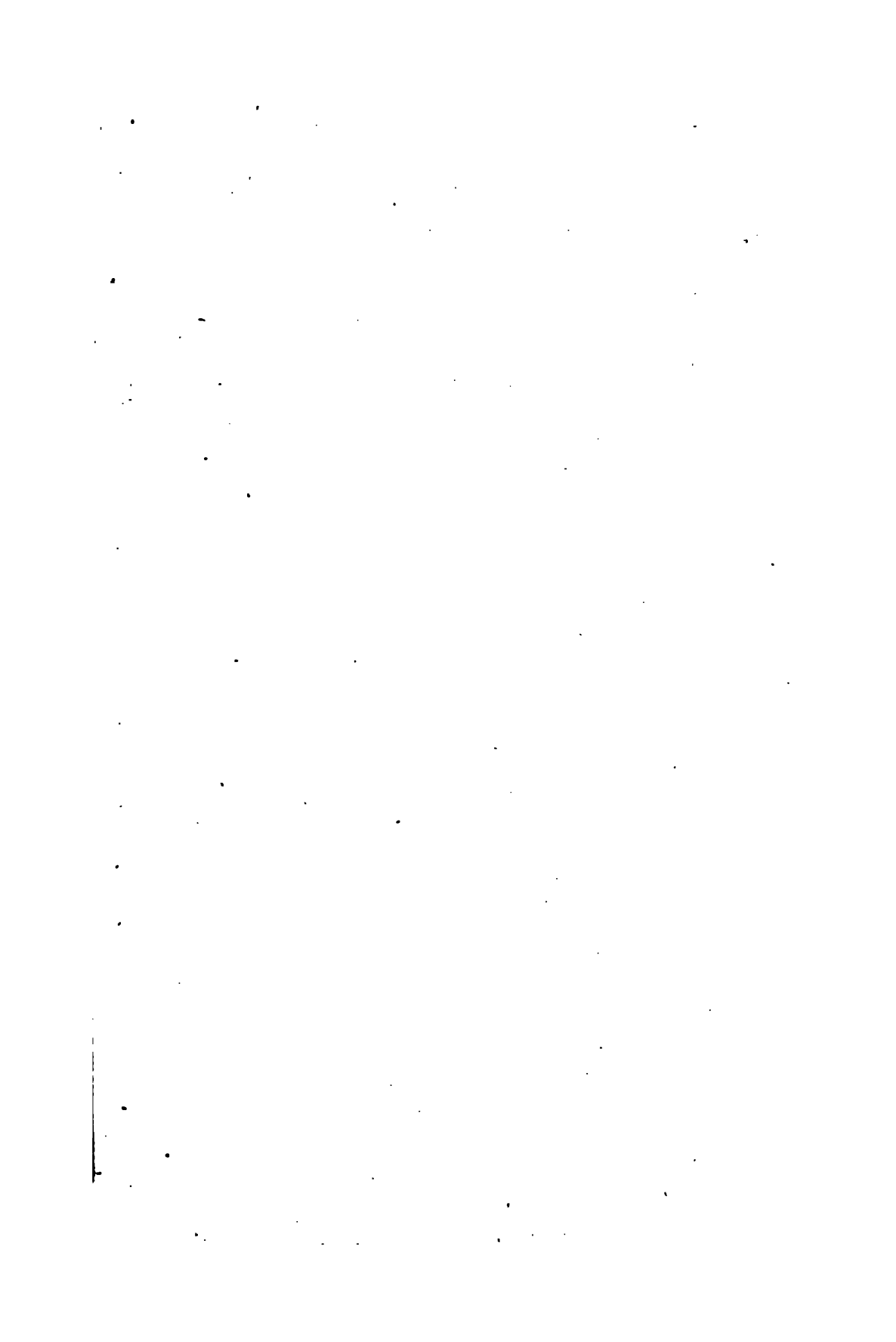
OW. II. II.

L. L.

20
1588







THE
Statutes at Large,

FROM THE
Ninth Year of King GEORGE I.

TO THE
Second Year of King GEORGE II.

BY
DANBY PICKERING, of GRAY'S INN, Esq;

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

PROFESSOR J. J. KATZ

THE
Statutes at Large,

FROM THE ⁹²⁹¹
Ninth Year of King GEORGE I,
TO THE
Second Year of King GEORGE II.

To which is prefixed,
A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. XV.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,
Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1765.

CUM PRIVILEGIO.



TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the Eighth Year of King GEORGE I. to the Second Year of King GEORGE II.

Anno 9 Georgii I.

- Cap. 1. **T**O impower his Majesty to secure and detain such persons, as his Majesty shall suspect are conspiring against his person and government.
- Cap. 2. For granting an aid to his Majesty by a land-tax to be raised in *Great Britain*, for the service of the year 1723.
- Cap. 3. For continuing the duties on malt, mum, cyder, and perry, to raise money by way of a lottery, for the service of the year 1723.
- Cap. 4. For punishing mutiny and desertion, and for the better payment of the army, and their quarters.
- Cap. 5. For redeeming certain annuities, now payable by the cashier of the bank of *England*, at the rate of five pounds *per centum per annum*.
- Cap. 6. For reviving and adding two millions to the capital stock of the *South-Sea* company, and for reviving a proportional part of the yearly fund payable at the exchequer, and for dividing their whole capital (after such division made) into two equal parts or moieties, and for converting one of the said moieties into certain annuities, for the benefit of the members, and for settling the remaining moiety in the said company; and for continuing for one year longer the provision formerly made against requiring special bail in actions or suits upon such contracts, as are therein mentioned.
- Cap. 7. For amending the laws relating to the settlement, employment, and relief of the poor.
- Cap. 8. For continuing some laws, and reviving others therein mentioned, for exempting apothecaries from serving parish and ward offices, and upon juries, and relating to jurors; and to the payment of seamens wages, and the preservation of naval stores, and stores of war; and concerning the militia, and trophy-money; and against clandestine running of uncustomed goods, and for more effectual preventing frauds relating to the customs, and frauds in mixing silk with stuffs to be exported.
- Cap. 9. For the better qualifying the manufacturers of stuffs and yarn in the city of *Norwich*, and liberties thereof, to bear offices of magistracy in the said city, and for regulating elections of such officers.
- Cap. 10. For clearing, depthning, repairing, extending, maintaining, and improving the haven and piers of *Great Yarmouth*, and for depthning and making more navigable the several rivers emptying themselves at the said town; and also for preserving ships, wintering in the said haven, from accidents by fire.
- Cap. 11. For repairing and widening the road leading from the *Black-Bull* in *Dunstable* in the county of *Bedford*, to the way turning out of the said road up to *Stafford-House* in the county of *Hertford*.

A TABLE of the STATUTES.

- Cap. 12.** For the more easy assigning or transferring certain redeemable annuities, payable at the exchequer, by endorsements on the standing orders for the same.
- Cap. 13.** For the enlarging the term granted by an act, passed in the eighth year of the reign of her late majesty Queen *Anne*, intituled, *An act for repairing the highways, between the house commonly called the Horshoe-House, in the parish of Stoke-Goldington, in the county of Bucks, and the town of Northampton; and for repairing the road from the north-bridge of Newport-Pagnel in the county of Bucks, to the said Horshoe-House.*
- Cap. 14.** For enlarging the term granted by an act made in the third year of his Majesty's reign (for continuing the duty of two pennies *Scots* upon every pint of ale and beer sold in the city of *Edinburgh*, for the purposes therein mentioned; and for discontinuing payment of the *Petty-Port Customs* there) and for making the said act more effectual.
- Cap. 15.** To inflict pains and penalties on *Jahn Plunket*.
- Cap. 16.** To inflict pains and penalties on *George Kelly*, alias *Johnson*.
- Cap. 17.** To inflict pains and penalties on *Francis* lord bishop of *Rochester*.
- Cap. 18.** For granting an aid to his Majesty by laying a tax upon papists, and for making such other persons, as upon due summons shall refuse or neglect to take the oaths therein mentioned, to contribute towards the said tax, for reimbursing to the publick part of the great expences occasioned by the late conspiracies; and for discharging the estates of papists from the two third parts of the rents and profits thereof for one year, and all arrears of the same, and from such forfeitures as are therein more particularly described.
- Cap. 19.** To continue the duties for encouragement of the coinage of monies; and for relief of *William* late lord *Widdrington*; and to prevent foreign lotteries being carried on in this kingdom; and for ascertaining the duties on bound books imported; and for issuing certificates and debentures for arrears due to five regiments, to be satisfied by annuities therein mentioned; and for discharging the duties of rock-salt lost on the rivers *Weaver* and *Mercy*; and for limiting the times of continuance of commissioners for forfeited estates in *England* and *Scotland* respectively; and for appropriating the supplies granted to his Majesty in this session of parliament; and to rectify misnomers and omissions of commissioners for the land tax in the year 1723.
- Cap. 20.** For laying a duty of two pennies *Scots*, or one sixth part of a penny *Sterling*, upon every *Scot* pint of ale and beer brewed and sold within the town of *Linlithgow*, and liberties thereof, in the county of *West-Lothian*, for paying the debts of the said town, and other purposes therein mentioned.
- Cap. 21.** For enabling his Majesty to put the customs of *Great Britain* under the management of one or more commissions, and for better securing and ascertaining the duties on tobacco, and to prevent frauds in exporting tobacco, and other goods and merchandizes, or carrying the same coastwise.
- Cap. 22.** For the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice.
- Cap. 23.** For further enlarging the times for entering, hearing, and determining claims on the estates

A TABLE of the STATUTES.

- vested in the trustees of the *South-Sea* company, and for obliging persons to claim stock by the time therein mentioned for money-subscriptions, and for other the purposes therein mentioned.
- Cap. 24. To oblige all persons, being papists, in that part of *Great Britain* called *Scotland*, and all persons in *Great Britain* refusing or neglecting to take the oaths appointed for the security of his Majesty's person and government, by several acts herein mentioned, to register their names and real estates.
- Cap. 25. For making more effectual an act passed in the eighth year of his present Majesty's reign, intituled, *An act for supplying the records of the commissary court of Aberdeen burnt or lost in the late fire there.*
- Cap. 26. To prevent his Majesty's subjects from subscribing or being concerned in encouraging or promoting any subscription for an *East-India* company in the *Austrian Netherlands*; and for the better securing the lawful trade of his Majesty's subjects to and from the *East-Indies*.
- Cap. 27. For preventing journeymen shoemakers selling, exchanging, or pawning boots, shoes, slippers, cut leather, or other materials for making boots, shoes, or slippers, and for better regulating the said journeymen.
- Cap. 28. For more effectual execution of justice in a pretended privileged place in the parish of *St. George* in the county of *Surrey*, commonly called the *Mint*; and for bringing to speedy and exemplary justice such offenders as are therein mentioned; and for giving relief to such persons as are proper objects of charity and compassion there.
- Cap. 29. To enable lords of manors more easily to recover their fines, and to exempt infants and females from forfeitures of their copyhold estates in particular cases.
- Cap. 30. For completing the repairs of the harbour of *Dover*, in the county of *Kent*; and for restoring the harbour of *Rye*, in the county of *Suffex*, to its ancient goodness.
- Cap. 31. For repairing the highway from the city of *Gloucester*, to the top of *Birdlip-Hill*, (being the road to *London*) and from the foot of the said hill to the top of *Crickley-Hill*, (being the road to *Oxford*) and to oblige those concerned in the receipt or payment of any monies, by virtue of an act of the ninth and tenth years of his late majesty King *William*, touching the repairing the said highways, to account for the same to the trustees appointed by this act.
- Cap. 32. For confirming articles of agreement between the principal officers of the ordnance, and *Thomas Miffing*, esq; for exchange of some lands at *Portsmouth*, for the service of his Majesty.

Private Acts.

Anno 9 Georgii I.

1. An act to enable *Darcy Dawes*, esq; and *Sarah Roundell*, to make settlements, upon their inter-marriage, of their several estates, notwithstanding their respective minorities.
2. An act for naturalizing *Luder Mello*, *Benjamin Berkenhout*, and others.
3. An act for naturalizing *John Anthony Loubier*, *Henry Loubier*, and others.
4. An act to enable *William Sheppard* to change his surname of *Sheppard* to *Hall*, according to the will of *William Hall*, serjeant at law, deceased.
5. An act to enable *Timothy Watts*, of *Burbage* in the county of *Leicester*, esq; and his heirs, to change or alter their names to *Saint Nicholas*, according to the will of *Bazil Saint Nicholas* of *Knowle* in the county of *Warwick*, esq; deceased.

A TABLE of the STATUTES.

6. An act to enable *John Smith*, gent. and his heirs, to take and use the surname of *Dickenson*, according to the will of *John Dickenson*, gent. deceased.
7. An act to vest in trustees for *William Lounds*, esq; the reversion in fee, expectant upon a term of four-score and nineteen years now in being, of and in certain pieces of ground and building thereupon, in the parish of *St. James* within the liberty of *Westminster*, and of and in a certain messuage and land at or near *Knightsbridge*, upon paying the value thereof into the exchequer.
8. An act to confirm certain exchanges, conveyances, and other assurances, made by *John Jenyns*, esq; and others, of some parts of the estates comprized in the articles and settlement made on his marriage with *Dorothy* his late wife, and to supply some defects in the said articles and settlement; and to enable him to make a settlement on any future marriage.
9. An act for vesting in trustees the estates of *George Bennet*, gent. and of *Henry Bennet*, his only son and heir, in the county of *Devon*, to be sold for the purposes therein mentioned.
10. An act to naturalize *Elizabeth Burr*, and others.
11. An act to naturalize *John Berkenhout* and *Jacob Hansen Busk*.
12. An act for completing the sale of the manors of *Croxton*, alias *Croxden*, and *Great Yate*, and other lands and tenements, late the estate of the most noble *Evelyn* duke of *Kingston* (lord privy seal) in the county of *Stafford*; and ascertaining and augmenting the stipend of the minister of *Croxton* aforesaid, out of the said estate, and for charging one annuity given to the poor of *Croxton* aforesaid, wholly upon the said estate, and discharging the same estate from other annuities given to the minister and parson *Tong* in the county of *Salop*, deed and will of *Gervas*, lord *repoint*, deceased, and thereby ceded upon his estate in the county *Salop* and *Stafford*.
13. An act for confirming and blishing articles of agreement between the most noble *John*, of *Montagu*, and *William*, du *Manchester*, and others, upon marriage intended between the duke of *Manchester* and the *Isabella*, eldest daughter of the duke of *Montagu*.
14. An act for the vesting of woods, lands and coppices in *nierne* and *Geddington* in the county of *Northampton*, and belong to the right honourable *George*, of *Cardigan*, in the most noble duke of *Montagu*, and his and for vesting and settling woods, lands and coppices, in the parishes of *Oakley Park Stanierne* in the said county *Northampton*, in and upon the *George*, earl of *Cardigan*, with mainders over, and in the manner herein mentioned.
15. An act to enable *Richard combs*, esq; to sell lands, not exceeding twenty acres, to and for the use of his Majesty, for building victualling office for the service of the royal navy at *Plymouth* to purchase other lands to be sold to the same uses, as the lands to be sold now stand limited by his marriage-settlement.
16. An act to enable trustees, the consent of *Mary*, the wife of *Thomas Horton*, esq; a lunatic to execute the powers in the said settlement of the said lunatic in raising any sum, not exceeding thousand pounds, for *Elizabeth Horton*, and *Eleanor Horton* his daughters, and for other purposes therein mentioned.
17. An act for vesting certain

A TABLE of the STATUTES.

- tenements, and hereditaments of *Richard Somers*, esq; in the county of *Kent*, in trustees, to be sold for payment of a debt now owing and charged thereon, on account of his late brother and sisters portions.
18. An act for naturalizing *John Baring*.
19. An act for vesting part of the estate of *Richard Clayton*, esq; in the county of *Salop*, in trustees to be sold for payment of his debts.
20. An act for vesting the estates of *sir Gervas Clifton*, bart. in trustees, and to enable him to an estate for life, by way of purchase, in settlements intended to be made of his estates on the marriage of *Robert Clifton*, esq; his son and heir apparent.
21. An act for vesting part of the estate of *sir Richard Anderson*, bart. deceased, in trustees, to be sold for the payment of his debts, and for other purposes therein mentioned.
22. An act for sale of the manor of *Queenbill*, and other the lands therein mentioned in the county of *Worcester*, for raising monies for and towards payment of the debts of *William Gower*, esq; and of *John Gower*, his son, deceased; and for discharging the said manor and lands of and from the same.
- the supplies granted in this session of parliament.
- Cap. 3. For the punishing mutiny and desertion, and for the better payment of the army and their quarters.
- Cap. 4. For explaining and amending an act of the last session of parliament, intituled, *An act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his Majesty's person and government, by several acts herein mentioned, to register their names and real estates; and for enlarging the time for taking the said oaths, and making such registers, and for allowing farther time for the inrollment of deeds or wills made by papists, which have been omitted to be enrolled, pursuant to an act of the third year of his Majesty's reign; and also for giving relief to protestant lessees.*

Cap. 5. For redeeming certain annuities after the rate of five pounds *per centum per annum*; and for payment of the principal and interest on the standing orders for the blank tickets in the lottery granted for the service of the year 1714. and for making good the loss, which happened in the treasury of his Majesty's exchequer, by the reduction of guineas; and for granting relief to *Catherine Collingwood*, widow.

Cap. 6. For enlarging the term granted by an act, passed in the third year of his Majesty's reign, intituled, *An act for repairing the highways, from that part of Counter's Bridge, which lies in the parish of Kensington in the county of Middlesex, to the powder-mills in the road to Staines, and to Cranford Bridge in the said county in the road to Colnebrooke; and for making the said act more effectual.*

Cap. 7. For making more effectual an act made in the ninth year of

Anno 10 Georgii I.

Cap. 1. For granting an aid to his Majesty by a land-tax in *Great Britain*, to be raised for the service of the year 1724.

Cap. 2. For continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery, for the service of the year 1724, and touching lost bills, tickets, certificates, or orders; and for giving further time for payment of the duties on money given with apprentices; and for appropriating

A TABLE of the STATUTES.

- his Majesty's reign, intituled, *An act for completing the repairs of the harbour of Dover, in the county of Kent; and for restoring the harbour of Rye in the county of Suffex, to its ancient goodness*, so far as the same relates to the harbour of *Rye*.
- Cap. 8. For reviving an act passed in the tenth year of her late Majesty's reign, intituled, *An act to make a causey over the Denes from Great Yarmouth to Caister in the county of Norfolk*; and for making the said act more effectual.
- Cap. 9. For repairing and amending the highways from the north part of *Harlow-bush* common, in the parish of *Harlow*, to *Woodford* in the county of *Essex*.
- Cap. 10. For repealing certain duties therein mentioned, payable upon coffee, tea, cocoa-nuts, chocolate and cocoa-paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa-paste; and for better ascertaining the duties payable upon coffee, tea, and cocoa-nuts imported; and for granting relief to *Robert Dalzell*, late earl of *Carnwath*.
- Cap. 11. To prevent multiplicity of prosecutions upon an act made in the eleventh and twelfth years of the reign of his late majesty King *William the Third*; intituled, *An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom*.
- Cap. 12. For repairing the roads leading from *Stump-Cross*, in the parish of *Chesterford*, in the county of *Essex*, to *Newmarket-Heath*, and the town of *Cambridge*, in the county of *Cambridge*.
- Cap. 13. For amending the roads from the stones-end in *Soutbwarck*, to *Highbate*, at the entrance of *Ashdown Forest*, in the parish of *East-Grinstead*, in the county of *Suffex*, and from *Kingston* to *Burton-Common*, and also the lane leading from *Wood-Hatch* to *Sidlow-Mill*, and the lanes called *Horschills*, *Boneburst*, alias *Boners*, and *Peteridge* lanes, in the county of *Surry*, by enlarging the term granted by two former acts, one of the fourth, and the other of the sixth year of his Majesty's reign.
- Cap. 14. For enlarging the times for hearing and determining claims by the trustees for raising money upon the estates of the late directors of the *South-Sea* company, and others; and for reviving and continuing the provision formerly made against requiring special bail in actions or suits upon contracts for stock or subscriptions, between the first day of *December*, 1719. and the first day of *December*, 1720. and for other purposes therein mentioned.
- Cap. 15. For repairing the road leading from *Dunchurch*, in the county of *Warwick*, to the bottom of *Miriden-Hill* in the same county.
- Cap. 16. For encouraging the *Greenland* fishery.
- Cap. 17. For continuing acts for preventing theft and rapine upon the northern borders of *England*; and for better regulating of pilots; and for regulating the price and assize of bread; and for better encouragement of the making of sail-cloth in *Great Britain*.
- Cap. 18. To explain and amend an act passed in the sixth year of his Majesty's reign, intituled, *An act for ascertaining the breadths, and preventing frauds and abuses in manufacturing serges, pladdings, and singrums, and for regulating the manufactures of stockings in that part of Great Britain called Scotland*, so far as the same relates to serges.
- Cap. 19. For explaining the law concerning the trial and admission of the ordinary lords of session.
- Cap. 20. For the better viewing, search-

A TABLE of the STATUTES.

searching, and examining all drugs, medicines, waters, oils, compositions, used or to be used for medicines, in all places where the same shall be exposed to sale, or kept for that purpose, within the city of *London* and suburbs thereof, or within seven miles circuit of the said city.

Private Acts.

Anno 10 Georgii I.

1. An act for naturalizing of *John Herman*, gentleman.
2. An act for naturalizing *William Hodjbon*, *Francis Noguier*, and others.
3. An act for naturalizing *John Gerhardt Moller*, and *James Horner*.
4. An act for compleating the rebuilding the parish church of *St. Martin* in the fields.
5. An act for rebuilding the parish church of *St. Botolphs Bishopsgate*, in the city of *London*, at the charge of the inhabitants of the said parish.
6. An act to inclose the common fields and commons of *Sunningwell cum Buyworth*, in the county of *Berks*.
7. An act for draining, improving, and inclosing the common called *Oxburgh Common* in the parish of *Oxburgh*, in the county of *Norfolk*; and for other purposes therein mentioned.
8. An act to enable *Thomas*, duke of *Norfolk*, to make leases for sixty years, of the houses and ground in *Arundel-street*, *Norfolk-street*, *Howard-street*, *Surrey-street*, and other his tenements and estate in the parish of *St. Clements Denes* in the county of *Middlesex*.
9. An act to vest in trustees the manors of *Battlefden* and *Potesgraves*, and divers lands and hereditaments in the county of *Bedford*, the estate of *Benjamin Easturst*, esq; to the intent the same may be sold, in order to compleat a purchase by him made of lands in the county of *Gloucester*, to be settled to the same uses.
10. An act for sale of the estate late of *Humphrey Whaddock*, deceased, for discharging a debt due to the crown, and for payment of such other his debts, as his personal estate will not extend to pay; and for settling the residue of his lands conformable to his last will.
11. An act for enabling *Pelsant Reeves*, gentleman, to sell certain leasehold lands in *Suffolk*, settled upon his marriage, and to purchase other lands to be settled to the same uses.
12. An act for naturalizing *Henry Voght*, and *Sebastianus Van Wemigem de Vyver*.
13. An act for adding the surname of *Tylney*, to the descendants of the right honourable *William*, lord *Craven*, and *Anne* his wife, sole daughter and heir of *Frederick Tylney*, esq;
14. An act to enable his Majesty to grant the inheritance of certain lands and tenements in or near *Deptford*, in the county of *Kent*, to trustees upon trust for sir *John Evelyn*, bart. and his heirs, upon a full consideration to be paid for the same.
15. An act to enable sir *Geffery Palmer*, bart. and *Robert Palmer*, esq; and the survivor of them, together with *Thomas Palmer*, esq; to convey and settle several manors and lands in the counties of *Leicester*, *Northampton*, and *Lincoln*.
16. An act for allowing to *Thomas Pagett*, esq; out of fourteen thousand pounds, vested in trustees by an act of parliament for sale of his wife's estate, the sum of four thousand pounds, upon the consideration therein mentioned.
17. An act to settle the estate of sir *Henry Adkins*, bart. according to the intention of articles made be-

A TABLE of the STATUTES.

- before his marriage with dame *Penelope* his wife, daughter of sir *John Stanchouse*, bart.
18. An act for explaining the will of *Jacob Knight*, esq; deceased, and charging his fee-simple estates with two thousand pounds, and interest, for the portion of his youngest son, *Charles Knight*.
19. An act for vesting the manor of *Coniston-Cold*, in the county of *York*, and other lands and tenements therein mentioned, in trustees, to be sold for payment of the debts of *Henry Coulthurst*, esq; and for other purposes therein mentioned.
20. An act for vesting certain copyhold lands in the county of *Suffolk*, late the estate of *Henry Appleton*, esq; deceased, in trust, to be sold for payment of his childrens portions.
21. An act for vesting the estates of *Walter Bagenall*, esq; and his two daughters, in the counties of *Dublin* and *Meath* in the kingdom of *Ireland*, in trustees, to be sold for payment of the debts charged thereupon, and raising portions for the said daughters.
22. An act to enable *John Howe*, of *Stowell*, in the county of *Gloucester*, esq; to sell the manor or lordship of *Ellerton*, alias *Ellerton upon Swale*, and all other his lands and hereditaments in the county of *York*, comprized in his marriage settlement, he having settled other lands and hereditaments in the county of *Gloucester*, of greater value, to the same uses, in lieu thereof.
23. An act to enable *Hugh*, viscount *Falmouth*, and *Richard Edcombe*, esq; to take in *Great Britain*, the oath of office as vice-treasurer, and receiver general, and paymaster general of all his Majesty's revenues in the kingdom of *Ireland*, and to qualify themselves for the enjoyment of the said offices.
24. An act to enable *George Dodington*, esq; to take in *Great Britain* the oaths of office, as writer of the tallies and counter-tallies, and clerk of the pells in the receipt of the exchequer in the kingdom of *Ireland*, and to qualify himself for the enjoyment of the said offices.
25. An act to naturalize *John Wern*.
26. An act to naturalize *John Van Rixtell* and *Ludolf Schaaert*.

Anno 11 Georgii I.

- Cap. 1. For granting an aid to his Majesty by a land-tax to be raised in *Great Britain*, for the service of the year 1725.
- Cap. 2. For indemnifying the masters in chancery, upon their discovering what consideration, price or gratuity they paid or agreed to pay for the purchase of, or for their admission to, their respective offices.
- Cap. 3. To enable the pier-wardens of the town of *Margat* in the county of *Kent*, more effectually to recover the ancient and accustomed droits, for the support and maintenance of the said pier.
- Cap. 4. For preventing the inconveniencies arising for want of elections of mayors, or other chief magistrates of boroughs or corporations being made upon the days appointed by charter or usage for that purpose, and directing in what manner such elections shall be afterwards made.
- Cap. 5. For enlarging the term granted by an act made in the tenth year of her late Majesty's reign, for amending and maintaining the road between *North-fleet*, *Gravesend* and *Rochester* in the county of *Kent*; and for explaining the same act, and for appropriating part of the money arising thereby towards repairing the road between the town of *Chatham* and *Boughton under the Blean* in the said county of *Kent*.
- Cap. 6. For punishing mutiny and desertion, and for the better payment

A TABLE of the STATUTES.

ment of the army, and their quarters.

Cap. 7. For rating such unrated goods and merchandizes as are usually imported into this kingdom, and pay duty *ad valorem*, upon the oath of the importer; and for ascertaining the value of all goods and merchandizes not inserted in the former or present book of rates; and for repealing certain duties upon drugs and rags; and for continuing the duty upon apples; and for ascertaining the method of admeasuring pictures imported.

Cap. 8. For continuing the duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *Scotland*, for the service of the year 1725. and for transferring the deficiency of a late malt act to this act; and for explaining a late act in relation to stamp-duties on news-papers; and for appropriating the supplies granted in this session of parliament; and for disposing certain overplus moneys to proper objects of charity; and for making forth duplicates of exchequer-bills, lottery-tickets, and orders, lost, burnt, or otherwise destroyed; and for giving further time to clerks and apprentices, to pay duties omitted to be paid for their indentures and contracts.

Cap. 9. For continuing the several annuities of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence half-penny, and one hundred thousand pounds to the bank of *England* until *Midsummer* 1727. and from thence, for reducing the same to seventy one thousand and one pounds two shillings and three pence three farthings, and eighty thousand pounds, redeemable by parliament; and for preventing the uttering of forged,

counterfeited or erased bank-bills or notes.

Cap. 10. To enable the justices of the peace for the east-riding of the county of *York*, to take down the county-bridge called *Stanford-Bridge*, and to build a stone-bridge at a more convenient place over the river *Darwent* in the said riding instead thereof.

Cap. 11. For repairing the roads therein mentioned, from the parish of *Enfield* in the county of *Middlesex* to the town of *Hertford*, and to the great bridge in *Ware* in the county of *Hertford*.

Cap. 12. For incorporating the executors of the last will and testament of *Thomas Guy*, late of the city of *London*, esq; deceased, and others, in order to the better management and disposition of the charities given by his said last will.

Cap. 13. For repairing and widening the road from *Sherbrook-Hill* near *Buxton*, and *Chapel* in the parish in the county of *Derby*, to *Manchester* in the county of *Lancaster*.

Cap. 14. For repairing part of the road from *London* to *Cambridge*, beginning at the end of the parish of *Faulmire* in the said county, next to *Barley* in the county of *Hertford*, and ending at the pavement in *Trumpington-street* in the town of *Cambridge*.

Cap. 15. For enlarging the term granted by an act made in the eighth year of the reign of her late majesty *Queen Anne*, intituled, *An act for repairing and amending the highways leading from Seven Oaks to Woods-Gate and Tunbridge-Wells in the county of Kent*; and for explaining and making more effectual the same act; and for amending (out of the tolls and duties arising by the said act, and this present act) the highways leading from *Woods-Gate* aforesaid, to *Kippings-Cross* in the parish of *Brenchley* in the said county of *Kent*.

Cap.

A TABLE of the STATUTES.

- Cap. 16. For rebuilding the pier and harbour of *Parton* in the county of *Cumberland*.
- Cap. 17. For redeeming the annuities of twenty five thousand pounds *per annum*, charged on the civil list revenues, by an act of the seventh year of his Majesty's reign; and for discharging the debts and arrears due from his Majesty to his servants, tradesmen, and others.
- Cap. 18. For regulating elections within the city of *London*, and for preserving the peace, good order and government of the said city.
- Cap. 19. For making more effectual an act passed in the parliament holden in the twelfth year of the reign of her late majesty *Queen Anne*, intituled, *An act for making the river Nine or Nen, running from Northampton to Peterborough, navigable*.
- Cap. 20. For repairing and amending the road from *Biggleswade* in the county of *Bedford* to *Bugden*, and through *Alconberry* to the top of *Alconberry-Hill*, or cross post leading into *Sautery-Lane* on the *York* and *Edinburgh* road, and from the said town of *Bugden* to the town of *Huntingdon*, and from *Crofs-Hall* in *Eaton Secon* in the said county of *Bedford* to *Great Stoughton Common* in the said county of *Huntingdon*.
- Cap. 21. For the relief of insolvent debtors.
- Cap. 22. To prevent violences and outrages being committed by any persons, under pretence of sheltering themselves from debt, or any process of law, within the hamlet of *Wapping-Stepney*, or elsewhere, within the weekly bills of mortality.
- Cap. 23. For making more effectual an act passed in the fifth year of his Majesty's reign, intituled, *An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London and Westminster, or the suburbs thereof*.
- Cap. 24. For the better regulation of the manufacture of cloth in the county of *2*
- Cap. 25. For enlarging granted by an act passed in year of the reign of her late *Queen Anne*, intituled, *repairing the highways* in *Stratford in the county of N*ton, *to Dunchurch in the Warwick*, and for making more effectual.
- Cap. 26. For more effectually regulating the highlands in the *Great Britain* called *Scot*land for the better securing and quiet of that part of the same.
- Cap. 27. For enlarging granted by an act passed in year of the reign of her late *Queen Anne*, intituled *for repairing the highway Sheppards-Shord and the and between the top of A Hill and Rowdford in the Wilts*; and for explaining the same act, and making the same effectual and extensive.
- Cap. 28. For the better regulating buildings, and to prevent that may happen by fire in weekly bills of mortality, places therein mentioned.
- Cap. 29. To continue severally the several acts therein mentioned for preventing frauds committed by bank encouraging the silk manufactory of this kingdom; for preventing the clandestine running of copper for making copper ore of the plantations an enumerated commodity; and for explaining and mending a late act for the punishment of such wilfully burn or destroy
- Cap. 30. For more effectually regulating frauds and abuses in the revenues; for preventing the salt-duties, and for the relief for salt used in the

A TABLE of the STATUTES.

salmon and codfish, in the year 1719. exported from that part of *Great Britain* called *Scotland*; for enabling the insurance companies to plead the general issue in actions brought against them; and for securing the the stamp-duties upon policies of insurance.

Private Acts.

Anno 11 Georgii I.

1. An act to dissolve the marriage of *William Younge*, esq; with *Mary Heathcote*, and to enable him to marry again, and for other purposes therein mentioned.
2. An act to enable *William Ball*, esq; and his heirs, to take and use the surname of *Basil*.
3. An act to enable *Thomas Leigh*, alias *Pennington*, esq; and his issue male, to change their surname to *Leigh*, according to the settlement of *Peter Leigh*, esq; deceased.
4. An act to naturalize *John Tolet*, *John Herman Zur Horst*, and others.
5. An act to inclose the common and tract of land called *Croston-Finney*, in the county of *Lancaster*.
6. An act to enable *John*, lord *Saint John*, to settle a jointure on such woman as he shall marry, and to make provision for the daughters and younger children of such marriage, out of the estate devised to him by the will of *William*, lord *Saint John*, deceased.
7. An act to enable sir *William Monson* bart. and *George Monson* esq; and the survivor of them, together with *John Monson* esq; to convey and settle several manors and lands in the counties of *Lincoln*, *Hertford* and *Nottingham*.
8. An act to confirm and establish articles of agreement between *Archibald Hamilton* esq; (commonly call'd lord *Archibald Hamilton*) of the one part, and *George Parker* esq; (commonly called lord *Parker*) and other trustees for a charity therein mentioned, of the other part, for exchanging certain lands in the county of *Berks*, belonging to the said charity, for other lands of a greater value.
9. An act for vesting part of the estate of *Richard Fleetwood*, late of *Rosfel* in the county of *Lancaster*, esq; deceased, in trustees, to be sold for payment of his debts and legacies.
10. An act for sale of part of the estate of *Thomas Puleston* esq; for discharging debts and incumbrances affecting the same.
11. An act for vesting in trustees the manors of *Hafilton* and *Turkdean*, in the county of *Gloucester*, late the estate of sir *William Banestre* knt. deceased, to be sold for payment of his debts, and for making provision for his daughters and coheirs, pursuant to their several marriage articles, and for other purposes in the said act mentioned.
12. An act to enable *Stephen Hales*, clerk, and *Henry Carington*, gent. to sell their undivided moieties of the freehold, leasehold, and copyhold estates at *Much Hadham*, in the county of *Hertford*, late the estate of *William Newce* esq; deceased.
13. An act for naturalizing *Paul Broulhet*.
14. An act to naturalize *Jacob Wolfe*, and others.
15. An act for explaining a power contained in the settlement of the duchess of *Bolton's* estate on her marriage with the present duke, and making the same more effectual for the purposes thereby intended.
16. An act for vesting the manor and lands of and in *Brignall* in the county of *York*, late the estate and inheritance of *Richard*, earl *Rivers*, deceased, in trustees, to be sold towards discharging the incumbrances affecting his estate in the county of *Chester*.

A TABLE of the STATUTES.

17. An act to enable *Arthur*, lord viscount *Irwyn*, to raise money by mortgage or sale of certain estates in the counties of *York*, *Lincoln*, *Oxen*, and city of *London*, for payment of debts, legacies and portions charged thereupon; and to settle the estates therein mentioned on *Henry Ingram* esq; his next brother, and his heirs.
18. An act to enable the lords commissioners of the treasury, or lord high treasurer for the time being, to compound with *Edmund Asby*, for his part of a debt due to the crown, on account of his having been surety for *Benjamin Blundell*, late receiver general of the land-tax and duties on houses for the county of *Leicester*.
19. An act to explain and amend an act passed in the ninth year of his present Majesty, intituled, *An act for vesting the estates of sir Gervas Clifton, bart. in trustees; and to enable him to take an estate for life by way of purchase in settlements intended to be made of his estates, on the marriage of Robert Clifton esq; his son and heir apparent.*
20. An act for vesting part of the estate of *sir Edward Blacket* bart. in trustees, to be sold for raising eight thousand pounds charged thereupon by his late brother's marriage settlement.
21. An act for enabling *Elizabeth Rusbout*, lady of the manor of *Overswell*, in the county of *Gloucester*, to inclose all and every the lands lying within the said manor or parish of *Overswell*, in pursuance of several agreements therein mentioned to have been made between the said *Elizabeth Rusbout*, and the rector of the parish aforesaid; and between the said *Elizabeth* and the churchwarden and parishioners of the said parish, and to establish the said agreements.
22. An act to enable *James Bateman* esq; to sell the manor of *Tooting Graveney*, and all other his estate in the county of *Surrey*, and with the monies arising thereby, to purchase the manors of *Well* and *Alford*, and other lands in the county of *Lincoln*, to be settled to the same uses as the said estate in *Surrey* stand settled.
23. An act for discharging certain lands at *Ecclesball*, in the county of *Stafford*, from the uses and limitations contained in the marriage-settlement of *Thomas Boothby Skrymsher* esq; and for settling other lands in the same county, of greater value, to the same uses.
24. An act for sale of the moiety of a farm, called *Stony Grainge Farm*, in the isle of *Ely*, to *Jabez Collier*, gent. and for applying the money arising thereby in the purchase of other lands, to be settled to the same uses.
25. An act for sale of an estate late of *Henry Hawkins*, citizen of *London*, deceased, for the benefit of his widow and children, and other purposes therein mentioned.
26. An act for enabling *John Philips* esq; and his issue, to take and use the surname of *Goodwin*.
27. An act to enable *Simon Thorogood*, gent. to change his surname of *Thorogood*. to that of *Lord*.
28. An act to naturalize *Mary Marie De la Croze*.
29. An act for settling the estates of the most noble *Wriothefsty* duke of *Bedford*, on his marriage with the right honourable the lady *Anne Egerton*, daughter of the most noble *Scroop*, duke of *Bridgewater*.
30. An act to enable *Edmund*, duke of *Buckinghamshire* and *Normanby*, to make leases (with the consent of his guardian and trustees) of the manors, lands and estate therein mentioned.
31. An act for vesting the estates of the most noble *Henry*, duke of *Kent*, in

A TABLE of the STATUTES.

- in the counties of *Hereford*, *Northampton*, and *Gloucester*, in the said duke and his heirs; and for settling his other estates in the counties of *Essex*, *Suffolk*, *Bedford*, *Hertford*, *Northampton*, and *Leicester*, in lieu thereof.
32. An act to inclose divers parcels of waste grounds, lying and being in *Westbaughton* in the county palatine of *Lancaster*.
33. An act for vesting in trustees several lands, tenements, and hereditaments in the counties of *York* and *Derby*, for the maintenance of the poor persons in the hospital of *Gilbert*, earl of *Sbrewsbury*, long since deceased, situate at *Sheffield* in the said county of *York*; and for enlarging the buildings of the said hospital, and adding more poor persons to those already established therein.
34. An act for vesting in trustees certain manors, lands, and tenements in the county of *Cornwall*, late the estate of sir *Jonathan Treloany*, bart. (late lord bishop of *Winchester*) deceased, to be sold for discharging certain mortgages by him made thereof; and for other purposes therein mentioned.
35. An act for vesting part of the estate of *Ralph Widdrington* esq; in trustees, to be sold for payment of the debts of the said *Ralph Widdrington*.
36. An act to enable certain trustees therein named to make a conveyance of lands in *Thringston*, in the county of *Leicester*, in pursuance of articles of agreement entred into for that purpose.
37. An act for confirming and rendering effectual an agreement made between *Anne Hester*, widow, *William Hester*, and *Anne Hester* the younger; and for vesting in trustees certain messuages and tenements in the parish of *St. Olave* in *Southwark*, in the county of *Surrey*, to enable them to convey the same, pursuant to articles of agreement made for sale thereof; and for other purposes therein mentioned.
38. An act for sale of the manors of *Middle Ditchford*, alias *Freeman's Ditchford*, *Guy's Ditchford*, alias *Over Ditchford*, and other lands therein mentioned, in the county of *Worcester*, for payment of the debts of *Gilbert Sheldon* esq; deceased; and for making provision for his widow, his children and grandchildren; and other purposes therein mentioned.
39. An act to enable *James Wilkinson*, and trustees, to make leases for one, two or three lives, or for years determinable on one, two or three lives, or a certain number of years, of the lands, tenements, and hereditaments in *Ireland*, comprized in his marriage settlement.
40. An act for enabling *Henry Saint John*, late viscount *Bolingbroke*, and the heirs male of his body, notwithstanding his attainder, to take and enjoy several manors, lands and hereditaments in the counties of *Wilts*, *Surrey* and *Middlesex*, according to such estates and interests as to him or them are limited thereof by the quinquupartite indenture, and other assurances therein mentioned; and for limiting the same in default of issue male of the body of the said late viscount *Bolingbroke*, to the other sons of *Henry* viscount *Saint John*, successively in tail male; and for other purposes therein expressed.
41. An act to dissolve the marriage of *Francis Annesley* the younger, esq; with *Elizabeth Sutton*, and to enable him to marry again; and for other purposes therein mentioned.
42. An act to vest the real estate of dame *Elizabeth Holford*, widow, deceased, in the parish of *St. Olaves Hartstreet*, *London*, in *Christopher Appleby*, gent. and his heirs, for the better enabling him to sell the same

A TABLE of the STATUTES.

towards the discharge of the charitable and other legacies given by her will.

43. An act for naturalizing *Roger Harent*, and *Matthew de Neufville*.

Anno 12 Georgii I.

- Cap. 1. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year 1726.
- Cap. 2. For granting to his Majesty the sum of one million, to be raised by way of a lottery.
- Cap. 3. For punishing mutiny and desertion, and for the better payment of the army and their quarters.
- Cap. 4. For continuing the duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *Scotland*, for the service of the year 1726. and for the more effectual preventing frauds and abuses in the shipping of malt for exportation to foreign parts; and for ascertaining the price of ale to be sold in *Scotland*; and for making good the deficiency on the lottery-tickets of the year 1724. and for making forth duplicates of exchequer-bills, lottery-tickets and orders, lost, burnt, or otherwise destroyed.
- Cap. 5. For repairing the road from *Market Harborough* to *Loughborough*, in the county of *Leicester*.
- Cap. 6. For repairing the roads leading from *Birmingham* through *Warwick* to *Warrington*, and from *Birmingham* through *Stratford upon Avon*, to *Edghill* in the county of *Warwick*.
- Cap. 7. For enlarging the term granted by an act passed in the sixth year of the reign of her late majesty *Queen Anne*, intituled, *An act for the better amendment of that way* &c. from *Cherril* through *Calmley Bridge* in the county of *V* for making the said act mutual; and for extending so to be amended, from the *Three Miles Borough* of *Cherril* hill.
- Cap. 8. For repairing the road from *Speenhamland*, adjacent to *Newbury* in the county of *Marlborough* in the county of *Marlborough*.
- Cap. 9. For repairing the roads in mentioned, between *Bank* in the parish of *Sturton* and the town of *Shiffnall*, and the town of *Shiffnall*, in the county of *Salisbury*.
- Cap. 10. For repairing the roads from *Lemsford Mill* in the county of *Hertford*, to *Welwyn*, and thence to *Cory's Mill*; and from *Welwyn* through *Codicot*, &c. in the said county: and for enlarging the term granted by an act passed in the sixth year of his present Majesty, for repairing the roads from *Stromage* in the county of *Bedford*, to *Biggleswade* in the county of *Bedford*.
- Cap. 11. For repairing and widening the road from *Horsley Uppe* leading down *Bowden-Hill* in the county of *Wilts*, to the top of *down-Hill*, in the parish of *Sturton* in the said county.
- Cap. 12. For granting an aid to his Majesty, by laying a duty upon victuallers and retailers of beer and ale within the cities of *London* and *Westminster*, and the weekly mortality, and for prohibiting sending beer or ale out of the houses to distant places, and pots or vessels less than a gallon, and also for adding one hundred additional hackney chairs already licensed; and for a certain arrears of former law toward the supply granted to his Majesty for the service of the year 1726. and for appropriating

A TABLE of the STATUTES.

- supplies granted in this session of parliament.
- Cap. 13. For repairing and widening the roads from the city of *Gloucester* to the city of *Hereford*.
- Cap. 14. For repairing several roads therein mentioned, leading into the city of *Worcester*.
- Cap. 15. For repairing the walls, gates, and other publick works in the city of *Norwich*, and several bridges in and near the said city, and for amending the roads therein mentioned.
- Cap. 16. For repairing the road from *Spittlegate-Hill*, near *Grantham*, in the county of *Lincoln*, to *Little Drayton* in the county of *Nottingham*.
- Cap. 17. For enlarging the term granted by an act made in the first year of his present Majesty's reign, intituled, *An act for repairing and amending the highways between Tyburn and Uxbridge, in the county of Middlesex*; and for making the said act more effectual.
- Cap. 18. For repairing the several roads therein mentioned, leading into the town of *Trwkesbury* in the county of *Gloucester*.
- Cap. 19. For enlarging the term granted by an act passed in the ninth year of the reign of her late majesty *Queen Anne*, intituled, *An act for repairing the highways from Sheet-Bridge in the parish of Petersfield, to the town of Portsmouth, in the county of Southampton*; and for making the said act more effectual.
- Cap. 20. For enlarging the term granted by an act passed in the twelfth year of the reign of her late majesty *Queen Anne*, intituled, *An act for repairing the highway or road from the city of Worcester to the borough of Droitwich, in the county of Worcester*, and for making the same more effectual; and for repairing other roads therein mentioned, in the said county of *Worcester*.
- Cap. 21. For repairing and enlarging the road from *Liverpool* to *Prestot*, and other roads therein mentioned, in the county palatine of *Lancaster*.
- Cap. 22. To continue two acts of parliament for repairing the highways between *Wymondham* and *Atleborough*, and from *Wymondham* to *Hetherfet*, in the county of *Norfolk*; the one passed in the seventh and eighth years of the reign of his late majesty King *William the Third*, and the other in the seventh year of the reign of her late majesty *Queen Anne*; and for repairing the road from the mouth of *Wigmore-Lane* to *Hall-Walk-Gate* in *Atleborough*, in the said county.
- Cap. 23. For repairing the roads leading from the western part of the parish of *Shenfield* to *Harwich* in the county of *Essex*; and the road leading from *Cibelford* in the said county, to *Sudbury* in the county of *Suffolk*; and from *Margretting* to *Malden* in the county of *Essex*; and from *Colchester* to *Langham* in the said county.
- Cap. 24. For repairing the road from the city of *Gloucester* to *Stone*, and also the roads to and near *Berkley*, *Dursley*, *Wotton under Edge*, *Stroud*, and *Sodbury*, in the county of *Gloucester*.
- Cap. 25. To enable the present and future inhabitants of the east, north, and west sides or lines of *St. James's Square*, to make a rate on themselves for raising money sufficient to clean, adorn, and beautify the said square, and to continue the same in repair.
- Cap. 26. For repealing the duty laid upon snuff, by an act made in the eighth year of her late Majesty's reign, and for ascertaining the rates according to which the remaining duties are to be paid, and for giving further encouragement to the *Greenland* fishery.
- Cap. 27. For vesting in his Majesty an imposition of two pennies *Scots*, upon

A TABLE of the STATUTES.

- upon ale and beer brewed and sold in the city of *Glasgow*, and privileges thereof, for satisfying the damages and losses which *Daniel Campbel* esq; lately suffered in a riot there.
- Cap. 28. For the improvement of his Majesty's revenues of customs, excise, and inland duties.
- Cap. 29. To prevent frivolous and vexatious arrests.
- Cap. 30. For continuing an act made in the ninth year of his Majesty's reign, intituled, *An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violence to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice.*
- Cap. 31. For the better regulating trials by *Nisi prius* in the county of *Middlesex*.
- Cap. 32. For better securing the monies and effects of the suitors of the court of chancery; and to prevent the counterfeiting of *East-India* bonds, and indorsements thereon; as likewise indorsements on *Scotch-Sea* bonds.
- Cap. 33. For the relief of the suitors of the high court of chancery.
- Cap. 34. To prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.
- Cap. 35. To prevent abuses in the making of bricks and tiles, and to ascertain the dimensions thereof, and to prevent all unlawful combinations amongst any brickmakers or tilemakers within fifteen miles of the city of *London*, in order to advance or enhance the price of bricks or tiles.
- Cap. 36. For building a bridge cross the river of *Thames*, from the town of *Fulham* in the county of *Middlesex*, to the town of *Putney* in the county of *Surrey*.
- Cap. 37. For repairing the roads in the parishes of *Kensington*, *Chelfea* and *Fulham*, and other parishes therein mentioned, in the county of *Middlesex*.
- Cap. 38. For making the river *Dun*, in the west-riding of the county of *York*, navigable, from *Helmthill* in *Doncaster*, up to the utmost extent of *Tinsley*, westward, a township within two miles of *Sheffield*.
- Cap. 39. For making provision for the rector of *St. Mary le Strand*, in the county of *Middlesex*, and for other purposes therein mentioned.

Private Acts.

Anno 12 Georgii I.

1. An act for the better enabling the trustees of *John*, lord *Asburnham*, to sell *Brockborough* and *Beckerings* parks in the county of *Bedford*.
2. An act for dividing and inclosing, or holding in severalty the common field within the parish of *Compton Bassett*, in the county of *Wilts*.
3. An act for inclosing several common fields in the parish of *Bubncl*, alias *Bobenhull*, in the county of *Warwick*.
4. An act for discharging and disfranchising the chase of *Alrewas Hay*, in the county of *Stafford*; and for the empowering *John Turtan* esq; owner thereof, to inclose a part of such chase, and for other purposes in the said act mentioned.
5. An act for confirming several awards made for inclosing and dividing the common fields and common grounds within the manors of *Frangfosse cum Spittle*, and *Scagglethorpe*, in the county of *York*.
6. An act to enable his Majesty to grant the inheritance of certain lands, called *Bewood Park*, in the county of *Wilts*, to trustees, upon trust for sir *Orlando Bridgman*, bart. and his heirs, upon a full consideration to be paid for the same.
7. An act to enable his Majesty to grant the inheritance of the site of the

A TABLE of the STATUTES.

- the dissolved monastery of *Furncis*, in trust for sir *Thomas Lowther*, bart. and his heirs, upon paying the value thereof into the exchequer.
8. An act for ascertaining several messuages and lands in the county of *Gloucester*, purchased by sir *Greville Verney*, and for the effectual partition of the manor of *Tudrington* and *Itchington*, in the said county.
 9. An act to rectify a mistake in the settlement made on the marriage of the honourable *George Carpenter* esq; with *Elizabeth*, his now wife.
 10. An act to enable *Charles Lowndes* gent. and the persons in remainder after him, to make contracts for getting brick earth in, and grant building leases of the house and ground called *Spring-Garden*, and other the ground called *Great Spittlefield* and *Little Spittlefield*, in the parishes of *St. Martin in the Fields* and *Chelsea*, in the county of *Middlesex*, late the estate of *William Lowndes* esq, deceased.
 11. An act to enable the lords commissioners of the treasury, or the lord high treasurer for the time, to compound with *Thomas Baynton* and *Robert Shaw*, late of *London*, merchants and copartners, for a debt due from them to the crown, on account of bonds given for duties on tobacco.
 12. An act for discharging certain lands in the county of *Wilts*, from the uses and estates limited thereof in the settlement made by *Zachary Bayly*, gentleman, after his marriage with *Mercy* his wife, and for settling other lands of greater yearly value in the counties of *Somerset* and *Wilts*, in lieu thereof.
 13. An act for vesting in trustees the manors of *Hardwick* and *Haresfield*, and other lands in the county of *Gloucester*, the estate of *Thomas Trye* esq; to be sold for payment of his debts, and for other purposes therein mentioned.
 14. An act for confirming a lease made by *Thomas Byde* esq; to *James Fordham* therein mentioned, and to enable him to let leases of any part of his estate, for any number of years not exceeding eighty eight years.
 15. An act for sale of the manor of *Warkleigh*, and other lands and hereditaments in the parishes of *Warkleigh*, *Satterley* and *Roborough* in the county of *Devon*, the estate of *Thomas Jeffery*, of the city of *Exon*, merchant, towards raising provisions for *Susanna* his wife, and their children; for securing whereof the said manor and lands were, at the time of their marriage, made liable.
 16. An act to enable the trustees of *Edward Ransford* esq; to make leases of certain messuages, houses and plots of ground in and near the city of *Dublin*.
 17. An act for naturalizing *John Pontz*, *John Christopher*, *Baltbazer Wagner*, and others.
 18. An act for naturalizing *Jean Jaques Coulliette de Valicourt*.
 19. An act for sale of the site of *Cardigan* house, lately demolished by fire, situate and being in *Great Lincolns-Inn-Fields* in the county of *Middlesex*, for the purposes therein mentioned, and for settling lands of greater value in the county of *York*, to the same uses.
 20. An act for sale of part of the settled estate of *James lord Waldegrave* in the county of *Somerset*, and for settling other lands in lieu thereof, and for other purposes therein mentioned.
 21. An act for discharging the barton and lands of and in *Catch French* in the county of *Cornwall*, from the uses and limitations contained in the will of *Hugh Fortescue* esq; and for settling the barton and demesne of *Townhouse*, and other lands in the county of *Devon*, of greater value, in lieu thereof,

A TABLE of the STATUTES.

12. An act to repeal an act made in the sixth year of the reign of his present majesty King *George*, intituled, *An act to enable sir James Lumley, baronet, to settle a competent jointure, and for other purposes therein mentioned*; and also to vest the several estates of the said sir *James Lumley* herein mentioned, in trustees, to be sold for payment of the debts and legacies of sir *Martin Lumley*, baronet, his late father deceased, and the said sir *James Lumley's* own debts.
23. An act for making leases of divers lands and grounds in the county of *Middlesex*, the estate of dame *Mary Grosvenor*, a lunatick, during her life.
24. An act for sale of part of the estate of sir *Festus Burke*, baronet, toward discharging the debts and incumbrances affecting the same, and for making a provision for the lady *Letitia* his wife, eldest daughter of the right honourable *John* late earl of *Clawrickard* in the kingdom of *Ireland*.
25. An act for vesting certain manors and lands in the counties of *Oxon* and *Bucks*, in dame *Anne Tipping* and her heirs, and certain manors and lands in the county of *Devon*, in dame *Mary Tipping* and her heirs, and for other purposes in the said act mentioned.
26. An act for sale of several lands in the county of *Suffolk*, the estate of the honourable *Thomas Sidney* esq; and *Mary* his wife, and for purchasing several lands in the county of *Norfolk*, of as great or greater value, and settling the said lands in *Norfolk* to the same uses, as the said lands in *Suffolk* now stand limited.
27. An act for the sale of several estates of *Henry Grey* esq; in the county of *Southampton*, and for settling other estates of equal value in the counties of *Berks* and *Wilts* to the same uses.
28. An act for vesting the real and personal estates of *Richard Hampden* esq; in trustees, for making some provision for his wife and family, and for better securing the debt due from him to the crown.
29. An act for sale of part of the estate of *John Burt* deceased, in the county of *Southampton*.
30. An act for vesting certain lands and hereditaments in the kingdom of *Ireland* (the estate of *Cesar Colclough* esq;) in trustees, to be sold or mortgaged for raising money to discharge incumbrances affecting the same, and for other purposes therein mentioned.
31. An act for vesting in trustees the estate of *Thomas Bennet* esq; in the counties of *Suffolk*, *Kent*, *Middlesex*, and the city of *London*, to sell part thereof for payment of his debts, and for other purposes therein mentioned.

Anno 13 Georgii I,

Cap. 1. For granting an aid to his Majesty by a land-tax to be raised in *Great Britain* for the service of the year 1727.

Cap. 2. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 3. For redeeming fundry annuities transferrable at the bank of *England*, and the annuities payable on standing orders for army debentures, by the produce of the sinking fund, for applying to the same fund the money remaining in the exchequer, on the head of the bankers debt, and making provision for future claims on the same debt, and for applying the lottery-tickets Anno 1726. which were returned into the exchequer, to the discharging the standing orders made out for the sufferers at *Nevis* and *St. Christopher's* as far as the same will extend.

Cap.

A TABLE of the STATUTES.

- Cap. 4. For cleansing, deepening and widening a creek called *Beverly Beck*, running into the river *Hull*, and for repairing the staiths near the said beck, and for amending the roads leading from the said river to the town of *Beverly*, in the east-riding of the county of *York*, and for cleansing the streets of the said town.
- Cap. 5. For importing salt from *Europe* into the province of *Pensilvania* in *America*.
- Cap. 6. For making more effectual an act passed in the third year of his Majesty's reign, intituled, *An act for the preservation and improvement of the river Wear, and port and haven of Sunderland in the county of Durham*.
- Cap. 7. For continuing the duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *Scotland*, for the service of the year 1727. and for appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer-bills, lottery-tickets, and orders lost, burnt, or otherwise destroyed; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts.
- Cap. 8. To enable the *South-Sea* company, with the license and consent of the *East-India* company, to take in negroes within their limits of trade, and to deliver the same at *Buenos Ayres*.
- Cap. 9. For repairing, widening and amending the roads from *Wigan* to *Preston* in the county of *Lancaster*.
- Cap. 10. For repairing, widening and amending the road from *Warrington* to *Wigan* in the county of *Lancaster*.
- Cap. 11. For repairing the roads leading from *Cirencester* town's end to *St. John's Bridge* in the county of *Gloucester*.
- Cap. 12. For amending the several roads leading from the city of *Bristol*.
- Cap. 13. For repairing the road leading from *Studley Bridge* through *Chippenham* in the county of *Wilts*, to the top of *Toghill* in the county of *Gloucester*.
- Cap. 14. For repairing the several roads leading from *Birmingham* through the town of *Wadnesbury* to a place called *High Bullen*, and to *Great Bridge*, and from thence to the end of *Gibbet-Lane*, next adjoining to the township of *Bilston*, and from *Great Bridge* through *Dudley* to *Kingswinford*, and to the further end of *Brittle-Lane*, in the counties of *Warwick*, *Stafford* and *Worcester*.
- Cap. 15. For repairing the roads leading from the town of *Bromsgrove* to the town of *Dudley*, in the county of *Worcester*; and from the said town of *Bromsgrove* to the town of *Birmingham*, in the county of *Warwick*.
- Cap. 16. For repairing the several roads leading from the town of *Warminster* in the county of *Wilts*.
- Cap. 17. For amending and repairing the roads from *Luton* in the county of *Bedford*, to *Westwood-Gate* in the said county.
- Cap. 18. For the effectual draining and preservation of *Haddenham Level* in the isle of *Ely*.
- Cap. 19. For repealing part, and making more effectual the residue of an act of parliament made in the first year of the reign of her late majesty *Queen Anne*, intituled, *An act for the incorporating certain persons for the better providing for, and setting at work the poor in the city of Gloucester*.
- Cap. 20. For improving the navigation of the river *Dun*, from a place called *Holmestile*, in the township of *Doncaster*, in the county of *York*, to

A TABLE of the STATUTES.

- Wilfick-Houfe*, in the parish of *Barmby Dun*, in the said county.
- Cap. 21. For granting to his Majesty the sum of three hundred and seventy thousand pounds, to be raised by loans or exchequer-bills, to be charged on the surplus monies of the duties on coals and culm, granted by an act of the fifth year of his Majesty's reign, for a term of years, and since made perpetual.
- Cap. 22. For enlarging the times for hearing and determining claims by the trustees for raising money upon the estates of the late directors of the *South-Sea* company and others; and for relief of the creditors of *Robert Knight* esq; late cashier of the said company, and for relief of persons who have entred claims for contingent debts and incumbrances; and for giving time to *Ralph Gulston*, and other creditors of *Edward Gibbon* esq; to enter claims before the said trustees for a debt specified in the inventory of the said *Edward Gibbon*; and for empowering the trustees to dismiss claims for want of prosecution; and for applying the produce of the said estates for the benefit of the *South-Sea* company.
- Cap. 23. For the better regulation of the woollen manufacture, and for preventing disputes among the persons concerned therein; and for limiting a time for prosecuting for the forfeiture appointed by an act of the twelfth year of his Majesty's reign, in case of payment of the workmen's wages in any other manner than in money.
- Cap. 24. For preventing frauds and abuses in the dying trade.
- Cap. 25. For the free importation of cochineal, during the time therein limited.
- Cap. 26. For better regulation of the linen and hempen manufactures in that part of *Great Britain* called *Scotland*.
- Cap. 27. For continuing the laws therein mentioned relating to copper bars exported; and for better preventing frauds committed by bankrupts; and for searching drugs and compositions for medicines.
- Cap. 28. For sale of such of the forfeited estates in that part of *Great Britain* called *Scotland*, as remain un sold, and are vested in the crown; and for determining such claims on the said estates, as having been duly entred, remain undetermined.
- Cap. 29. For allowing further time to persons on board the fleet, or beyond the seas in his Majesty's service, to qualify themselves for the legal enjoyment of offices and employments, and for indemnifying such persons as have omitted to qualify themselves within the time limited for that purpose, and for the better ascertaining such time.
- Cap. 30. For encouraging and promoting fisheries, and other manufactures and improvements, in that part of *Great Britain* called *Scotland*.
- Cap. 31. For repairing the road from *Cranford Bridge*, in the county of *Middlesex*, to that end of *Maidenhead Bridge*, which lies in the county of *Bucks*.
- Cap. 32. For the more effectual amending the highways leading from *Royston* in the county of *Hertsford*, to *Wandsford Bridge* in the county of *Huntingdon*.
- Cap. 33. For improving the navigation of the river *Ouze* in the county of *York*.
- Cap. 34. For explaining and amending an act passed in the seventh and eighth years of the reign of his late majesty King *William* the Third, intituled, *An act for making navigable the rivers Wye and Lugg, in the county of Hereford*; and for making the same more effectual.
- Cap. 35. For establishing a certain provision for maintaining the curate of the parish of *St. Katharine Cree-Church*,

A TABLE of the STATUTES.

Church, alias Christ-Church, London; and for repairing and supporting the chancel of the said parish-church.

Private Acts.

Anno 13 Georgii I.

1. An act for naturalizing *Daniel Crespin*.
2. An act for naturalizing *Louis Sek-baye, George Frederic Handel, and others*.
3. An act for exchanging, inclosing, and reducing into severalty, the lands in the common fields, common meadows, mowing grounds, pasture and feeding grounds, and all other the lands lying open in the parish of *Little Riffington*, in the county of *Gloucester*.
4. An act to enable *Thomas Brodnax* esq; and the heirs and issue of his body, to take and use the surname of *May*.
5. An act to enable *Charles Nicoll, alias Gounter*, esq; and his issue male, to take and use the surname of *Nicoll*, pursuant to the deed of settlement of *William Nicoll*, esq; deceased.
6. An act for enabling *John Disbrow* gent. and his issue, to take and use the surname of *Spencer*.
7. An act for naturalizing *Abraham Lindbergh*, and others.
8. An act for naturalizing *Louis Aubert Duplessis*.
9. An act for naturalizing *Lewis Guillemau*.
10. An act to enable an exchange to be made between *Lionel*, duke of *Dorset*, and the trustees of *Henry Smith* esq; deceased, of sixteen acres, seventeen perches and an half of land and coppice, lying near *Knole Park*, in the county of *Kent*, of the value of eight pounds *per annum*, for a rent-charge of ten pounds a year, part of a fee-farm rent of forty pounds *per annum*, issuing out of the manor of *Heddington*, within the hundred of *Bullingdon*, in the county of *Oxford*.
11. An act to vest the several rectories, parsonages, churches and chapels of *Breamore, South-Charford, Hale, Rockbourn, Whitsbury and Quidesly*, with the glebe land and appurtenances thereunto belonging, in new trustees, to put in execution certain trusts and powers contained in an indenture dated the fifteenth day of *May 1683*.
12. An act for appointing commissioners to make a division of certain common fields and wastes in the townships of *Scarcliffe and Palterton*, in *Derbyshire*, among the proprietors, in order to inclose the same.
13. An act for inclosing the common fields in *Hucklecott*, in the parish of *Church-Downe*, in the county of *Gloucester*.
14. An act to vest the manors of *Great Hallingbury and Little Hallingbury, Wallbury and Monkbury*, and the forest or chase in the parish of *Hatfield*, in the county of *Essex*; and also the manor or lordship of *Bluntshall*, in the county of *Suffolk*; and the manor or lordship of *Winterton*, in the county of *Norfolk*, in trustees, to be sold for the payment of the debts, to which the same are subject by virtue of the will of sir *Edward Turnour* knt. deceased; and for laying out the surplus of the money (if any) arising by such sale in the purchase of lands, to be settled to the uses mentioned in the will of the said sir *Edward Turnour*.
15. An act for vesting part of the estate of *Moyle Breton* esq; in trustees, to be sold for raising three thousand pounds charged on other part of the same estate, and for other the purposes therein mentioned.
16. An act for sale of certain houses and lands in the town and liberties of *Bridgenorth*, in the county of *Salop*, contained in the marriage-settle-

A TABLE of the STATUTES.

- tlement of *John Yate* gent. and for the purchasing and settling other lands of as great yearly value to the same uses.
17. An act for exchanging the tithes and glebe-lands of and belonging to the rectory of the church of *Addington*, in the county of *Bucks*, for other lands in *Addington* aforesaid, to be settled on the rector of the said church and his successors, and for other purposes therein mentioned.
18. An act for vesting the real estate late of *Elizabeth Yate* esq; deceased, in the county of *Denby*, in trustees, to be sold, and applying one third part of the monies arising by sale thereof, according to the will of *Ursula Yate*, his daughter, deceased, and the other two thirds for the benefit of his two other coheirs.
19. An act for repealing a power of revocation in the settlement made on the marriage of *Francis Gaulston* esq; and for establishing and vesting a new power instead thereof.
20. An act for confirming a conveyance of the manor of the rectory of *Great Staughton*, in the county of *Huntingdon*, unto *sir Baldwin Conyers* bart. in exchange for an annuity granted by him to the vicar of *Great Staughton* aforesaid, and his successors.
21. An act for vesting certain copyhold and other lands in *John Amphlett* esq; in lieu of the freehold lands agreed to be purchased and settled on him by the marriage articles of *Joseph Amphlett* esq; his late father, with *Anne* his wife, both deceased; and for making provision for the younger children of that marriage.
22. An act for sale of two undivided third parts of the manor of *Weston* and other lands in *Holderness*, part of the settled estate of *Thomas Rand*; and for applying the money arising by such sale in the purchase of an entire estate to be settled to the same uses.
23. An act for vesting the real and personal estate of *William Norton*, esq; deceased, in trustees, for the purposes therein mentioned.
24. An act for the sale of the manor of *Albury*, in the parish of *Mestham*, and the manor of *Chaldon*, and other lands in the county of *Surrey*, part of the estate of *John Southcott*, esq; for the purposes therein mentioned; and for settling the capital messuage of *Witham Place*, and other lands in the county of *Essex*, of the same value, part of the estate of *sir Edward Southcott* knight. father of the said *John Southcott*, to the like uses.
25. An act for settling certain lands and tenements of *Edward Saintbill*, the elder, esq; therein mentioned, pursuant to an agreement made on the marriage of *Edward Saintbill*, his son, with *Frances*, the daughter of *sir Walter Younge* bart.
26. An act for sale of part of the estate of *John Wall*, for payment of debts, and for settling other part of his estate for the education and maintenance of his only son.
27. An act for vesting several sums of money in the archbishop of *Canterbury*, and the bishop of *Ely*, given for the augmentation of the maintenance of poor vicars within the dioceses of *Canterbury* and *Ely*; and to empower them to lay out the same in the purchase of lands to be vested in other trustees for the same purposes.
28. An act for sale of part of the estate of *Valentine Brown* esq; commonly called lord *Kenmare*, in the kingdom of *Ireland*, for payment of debts and incumbrances affecting the same.
29. An act to enable *Thomas*, now lord *Southwell*, and his trustees, to raise money, by making leases for lives, renewable for ever, and fee-farms, and by sale or mortgage of certain lands and hereditaments in the county of *Limerick*, in the kingdom of *Ireland*, for payment of debts and

lega-

A TABLE of the STATUTES.

- legacies, and for other purposes therein mentioned.
30. An act for vesting certain manors, lands, and hereditaments in the kingdom of *Ireland*, the estate of *fir Redmond Eversard* bart. in trustees, to be sold for raising money to discharge incumbrances affecting the same, and for other purposes.
31. An act to enable *Mary O' Gara*, widow, to sue for her jointure lands.
32. An act for vesting in trustees a messuage and garden in the parish of *St. Katharine Coleman, London*, the estate of *Robert Thornton*, and *Hannab* his wife, to be sold, on settling an estate of a greater value to the same uses.
33. An act for confirming a sale made by *Anthony Palmer*, to *Lewis Buckle*, esq; of certain copyhold lands and hereditaments, parcel of the manor of *East Meon*, in the county of *Southampton*, and for settling other copyhold lands and hereditaments, part of the same manor, of as great or greater value, to the same uses as the said lands so sold now stand limited.
34. An act for sale of part of the estate of *William Kinaston*, esq; and for settling other part thereof to the uses therein mentioned.
35. An act to enable *Daniel Dunne*, esq; by sale or mortgage of part of his estate, to raise money to pay off and discharge the portions of his brothers and sister, and a mortgage of one thousand eight hundred seventy seven pounds affecting the same.
36. An act for vesting several quantities and parcels of *South-Sea* stock, and *South-Sea* annuities, in trustees, for payment of the debts of *Charles Loundes*, gent. and for the benefit and relief of him, and *Rebecca* his wife.
- Majesty's household, and of the honour and dignity of the crown of *Great Britain*.
- Cap. 2. To enable his Majesty to be governor of the *South-Sea* company.
- Cap. 3. For enabling his Majesty to settle a revenue for supporting the royal dignity of the Queen, in case she shall survive his Majesty.
- Cap. 4. For continuing the imprisonment of *Robert Blackburn*, and others, for the horrid conspiracy to assassinate the person of his late sacred majesty King *William* the Third, of glorious memory.
- Cap. 5. For making further provisions to enable persons possessed of offices at the demise of his late Majesty, to qualify themselves for the enjoyment of such offices, and for altering and explaining the acts of parliament therein mentioned, in relation to qualifying persons for continuing in offices; and for the continuance of the sheriffs of the county of *Cornwall*, and county palatine of *Chester*, and several other officers therein mentioned, after the demise of his late Majesty, his heirs and successors; and for continuing such laws as would expire at the end of this session of parliament.

Anno 1 Georgii II. stat. 2.

Anno 1 Georgii II. stat. 1.

Cap. 1. For the better support of his

- Cap. 1. For continuing the duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *Scotland*, for the service of the year 1728. and for making good the deficiency of a late malt act.
- Cap. 2. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 3. For making more effectual an act passed in the fourth year of the reign of his late majesty King *George*, intituled, *An act for repairing*

A TABLE of the STATUTES.

- ing the highways from Maidenhead Bridge to Sunning-Lane-End, next to Twyford, in the road to Reading; and from the said bridge to Henley Bridge in the county of Berks.*
- Cap. 4. For repairing the road leading from *Chatteris Ferry*, which divides the isle of *Ely* from the county of *Huntingdon*, to *Hammond's Eau*, and from thence to *Somersbam Bridge*, at *Somersbam town's end*, in the said county.
- Cap. 5. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year 1728.
- Cap. 6. For repairing the road from the *Powder-Mills* on *Hounslow-Heath*, in the county of *Middlesex*, to a place called *Basingstone*, near the town of *Bagshot*, in the parish of *Windlesham*, in the county of *Surrey*.
- Cap. 7. For enlarging the term granted by an act made in the twelfth year of the reign of her late majesty *Queen Anne*, for repairing the highways between the *Bear-Inn* in *Reading*, and *Puntfield* in the county of *Berks*, and for making the said act more effectual, and for amending other roads in this act mentioned.
- Cap. 8. For granting an aid to his Majesty's by sale of annuities to the bank of *England*, at four pounds *per centum*, redeemable by parliament, and charged upon the duties on coals and culm; and for further applying the produce of the sinking fund; and for enlarging the time for exchanging *Nevis* and *St. Christopher's* debentures for annuities at three *per centum*, and for applying the arrears of his late Majesty's civil list revenues.
- Cap. 9. For granting an aid to his Majesty of five hundred thousand pounds, towards discharging wages due to seamen, and for the constant, regular, and punctual payment of seamen's wages for the future; and for appropriating the supplies granted in this present session of parliament; and for disposing of the surplus of the money granted for half pay for the year 1727.
- Cap. 10. For the more effectual amending the highway between *Hockliffe* and *Woburn*, in the county of *Bedford*; and for repairing the road leading through *Woburn* to *Tickford Bridge* in *Newport Pagnell*, in the county of *Bucks*.
- Cap. 11. For repairing and amending several roads leading to and from the borough of *Evesham*, in the county of *Worcester*.
- Cap. 12. For repairing and enlarging the road leading from the house called the sign of the *Bells*, in the parish of *St. Margaret* in *Rochester*, to *Maidstone*, and other roads therein mentioned, in the county of *Kent*.
- Cap. 13. To oblige ships coming from places infected, more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign parts into *Great Britain* or *Ireland*, or the isles of *Guernsey*, *Jersey*, *Alderney*, *Sark* or *Man*; and to hinder the spreading of infection.
- Cap. 14. For encouraging seamen to enter into his Majesty's service.
- Cap. 15. For making provision for the rector of the new church, situate near *Millbank*, in the parish of *St. Margaret Westminster*, and for other purposes therein mentioned.
- Cap. 16. For removing doubts concerning the additional duty of two pence *per gallon* upon low wines, and spirits of the first extraction, from foreign materials; and for obviating questions relating to appeals in matters of excise; and for appointing the number of commissioners of excise, who may hear causes depending before them.
- Cap. 17. For repealing the present duties on wine lees, and *Lignum Vitæ*, and laying new duties on wine

A TABLE of the STATUTES.

wine lees; and for prohibiting the importation of wine in flasks, bottles, or small casks; and for preventing frauds in exporting silk manufactures; and for supplying the want of regular certificates of such manufactures being landed in foreign parts, where such certificates cannot be had; and for giving further time to clerks and apprentices, to pay duties omitted to be paid for their indentures and contracts.

Cap. 18. To explain and amend an act made in the twelfth year of the reign of his late majesty King *George the First*, for building a bridge cross the river of *Thames*, from the town of *Fulham* in the county of *Middlesex*, to the town of *Putney* in the county of *Surrey*; and for making the said act more effectual.

Cap. 19. For punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, or locks, or other works, erected by authority of parliament, for making rivers navigable.

Cap. 20. For erecting a workhouse in the city of *Canterbury*, for employing and maintaining the poor there, and for better enlightning the streets of the said city.

Cap. 21. To explain and amend an act passed in the thirteenth year of his late Majesty's reign, intituled, *An act for sale of such of the forfeited estates in that part of Great Britain called Scotland, as remain unsold, and are vested in the crown; and for determining such claims on the said estates, as, having been duly entred, remain undetermined.*

Cap. 22. To explain the acts of the third and ninth years of his late Majesty's reign, for continuing the duty of two penny *Scots* on every pint of ale and beer sold in the city of *Edinburgh*, in relation to the payment of petty port customs; and for the more effectual securing the pay-

ment of such money, as hath been, or shall be contributed towards a charitable fund for relief of such as shall suffer by fire in the said city, and the suburbs and liberties thereof.

Cap. 23. For indemnifying persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose; and for repealing so much of two acts of parliament therein mentioned, as requires persons to qualify themselves to continue in offices or employments for the space of six months, after the demise of his Majesty, his heirs or successors.

Private Acts.

Anno 1 Georgii II.

1. An act to enable *Robert Ellison* esq; and the heirs and issue of his body, to take and use the surname of *Carre*, according to the will of his uncle *Francis Carre*, esq; deceased.
2. An act for naturalizing *Abraham Wesselow*.
3. An act for naturalizing *Adam Oldenburg*, *Phillipe Dumoustier*, and others.
4. An act to settle a jointure on *Susanna* countess of *Shaftsbury*, wife of *Anthony* earl of *Shaftsbury*, in lieu and bar of her dower or thirds at the common law.
5. An act to enable the guardians of the lord *George Bentincke*, second son of *Henry* late duke of *Portland*, to make leases of certain houses, grounds, and tenements in *Soho*, during the minority of the said lord *George*, for making provision for his maintenance, and for other purposes therein mentioned.
6. An act for confirming the partitions of the estates late of sir *William Davie* baronet, deceased, among his co-heirs, and for settling their shares thereof in severalty to the same

A TABLE of the STATUTES.

- uses to which their several undivided parts thereof stood limited before the partition.
7. An act for vesting the estate of *William Bramley* esq; and *Mary* his wife, lying at *Sundon* in the county of *Bedford*, in trustees, to be so'd pursuant to an agreement in their marriage-settlement.
 8. An act to enable *Christopher Crawe* of *Woodford-Hall*, in the county of *Essex*, esq; to sell or otherwise dispose of the mansion-house called *Woodford-Hall*, and all other his lands and hereditaments at *Woodford*, comprized in his settlement thereof, he having settled other lands and hereditaments in the county of *York*, of greater value, to the same uses in lieu thereof.
 9. An act to enable the guardians of *Anna Elizabeth Bealing*, an infant about four years old, appointed by this act, to grant building leases of her fourth part and share of and in certain messuages, grounds, and hereditaments, in or near the parish of *St. Andrew Holbourn*, in the county of *Middlesex*.
 10. An act for vesting the manors of *Shirfield*, and divers lands and hereditaments in the county of *Southampton*, the estate of *Granville Weler* esq; in trustees, discharged of the uses in a former settlement, he having settled an estate in the county of *Kent* to the same uses in lieu thereof.
 11. An act to enable *Thomas Brown*, gent. to grant building leases of his estate in the town of *Manchester*, in the county of *Lancaster*.
 12. An act for appointing commissioners to make a division of certain common fields, lands, and wastes in the parish of *Cherrington*, in the county of *Gloucester*, among the proprietors, in order to inclose the same.
 13. An act for naturalizing *John Lavue*.
 14. An act for enabling *Charles of Grafton*, lord of the manor of *Grafton*, in the county of *Northampton*, to inclose the common and waste grounds within the manor in pursuance of several agreements between the said lord and the rector and churchwardens of the parish of *Grafton Regis* to establish the said agreement.
 15. An act for vesting in trustees divers lands in the several counties of *Berks*, *Bucks*, *Wilts*, *Oxford*, *York*, the estate of *David Buchanan*, for the purposes therein mentioned.
 16. An act to enable the commissioners of the treasury, or the lord treasurer for the time being compound with *George Town Montague Bacon*, *John Atwood*, *John Burton*, late commissioners licencing hawkers, pedlars and ty chapmen, for a debt they were charged with to the crown.
 17. An act to enable the commissioners of the treasury, or the lord treasurer for the time being compound with *Thomas Hamlyn* late of *London*, merchant, and sureties, for a debt due to the crown for customs on tobacco and wine.
 18. An act for vesting the estate of *Halswell Tynte*, bart. and *Mary* his wife (in right of *Mary*) in trustees, to be settled to the uses in their marriage articles.
 19. An act for vesting the estate of sir *John Wittewronge*, bart. ceased, in the county of *Buckingham*, in trustees, to enable them to convey the same to the most noble and illustrious duchess dowager of *Marlborough*, the purchaser thereof, under the direction of the high court of chancery.
 20. An act for empowering the honourable *Charles Howard* esq; to raise money by sale or mortgage of the manors of *Walden*, alias *Copping Walden*, *Brook Walden*, and other manors and lands therein

A TABLE of the STATUTES.

- tioned, for payment of the debts of *Charles William* late earl of *Suffolk* and *Bindon*, deceased.
21. An act for making more effectual a deed of appointment executed by *Frederick Tylney*, esq; late deceased, with respect to twenty thousand pounds, and for settling the same for the purposes herein mentioned.
22. An act for vesting the real estates of *William Scourfield* the elder, esq; *Katharine* his wife, *William Scourfield* the younger, esq; and *Anne* his wife, in the counties of *Pembrooke* and *Brecon*, in trustees, to certain uses therein mentioned.
23. An act for relief of *Hyacinthus Richard Nugent*.
24. An act for discharging an incumbrance on the lands of *Donoghmore*, part of the bishoprick of *Cloyne* in *Ireland*.
25. An act for vesting part of the glebe lands belonging to the rectory of *Overstone* in the county of *Northampton*, in *Henry Stratford* esq; and his heirs, to enable the making of inclosures, and for other purposes herein mentioned.
26. An act for confirming the inclosure and division of the common fields, and common grounds within the manors and parishes of *Overton*, *Longville* and *Botolph's Bridge*, in the county of *Huntingdon*.
27. An act for sale of part of the estate of *Francis Sheldon* esq; a lunatick, for discharging the debts and incumbrances affecting the same.
28. An act for vesting an undivided fifth part of a leasehold estate in *Cron dall*, in the county of *Southampton*, in trustees, to be sold, and with the money arising by the sale thereof, to purchase one or more estate or estates in possession, to be settled to the same uses.
29. An act to enable *James Fox* esq; and others, to make leases of the estate in the county of *Surrey*, devised to him by *Frances* late viscountess *Lanesborough*; and for sale of *Bridge House* farm, part of the said estate, and investing the money in the purchase of other lands in the same county, to be settled to the like uses, and for other purposes herein mentioned.
30. An act for sale of part of the estate of *John Nicholls* esq; deceased, in the county of *Cornwall*, for payment of his debts and legacies, and for other purposes therein mentioned.
31. An act for naturalizing *James Delorme*,

The END of the TABLE.



T H E
STATUTES at Large, &c.

*Anno Regni GEORGII I. Regis Magnæ
 Britanniæ, Franciæ & Hiberniæ, nono.*

AT the parliament begun and holden at Westminster the ninth day of October, Anno Domini one thousand seven hundred and twenty two, in the ninth year of the reign of our sovereign Lord George, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith; &c. being the first session of this present parliament.

CAP. I.

An act to impower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government.
 EXP.

CAP. II.

An act for granting an aid to his Majesty by a land-tax to be raised in Great-Britain, for the service of the year one thousand seven hundred and twenty three. EXP. 2s. in the pound.

CAP. III.

An act for continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery, for the service of the year one thousand seven hundred and twenty three.

XXXV. **A**ND whereas by an act of parliament, made in the twelfth year of the reign of her late majesty Queen Anne, for granting to her Majesty duties upon malt, mum, cyder and perry, and for other purposes therein contained, several provisions were made for allowance for damages sustained by the proprietors of malt, sunk or cast away in any vessel or lighter, on transportations from one part of this kingdom to another, or burnt or damaged by fire; which provisions have not proved sufficient to answer the intentions of the said act; be it therefore further enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and twenty three, and after the duties by the said recited act imposed on malt, and hereby continued, are paid by the malster or maker of malt, if any quantity of malt shall unfortunately happen to be destroyed or damaged by fire, or shall perish, or shall be damaged by the

Recital of part of 12 Ann. stat. 1. c. 2. s. 14. concerning malt, &c. lost or damaged, &c.
 Further relief for proprietors of malt, &c. lost, burnt or damaged, in transportation casting from one part

of the king-
dom to ano-
ther, &c.

casting away of, or by any inevitable accident happening to a barge or vessel, in which the said malt shall be transported from any part of this kingdom to another, or on board for that purpose, it shall and may be lawful to and for the respective proprietors of such malt to make proof thereof by oath of one or more credible witnesses, of the respective masters, makers or owners thereof, having paid the said duty either before the justices of the peace of the county, riding or division where such malt was loaded or put on board, or where it was kept at the time of such loss or damage happening, or at the place where such accident shall happen, at the next quarter sessions, or before the commissioners of the duty of excise for the time being, or the major part of them, who are hereby severally and respectively empowered, in cases where proof shall be made that such malt was entirely lost, or wholly destroyed, and that the duties thereof were paid, to grant a certificate thereof, and of the amount of the duty of such malt lost or destroyed; upon producing of which certificate to the officer appointed to collect the said duty, he shall be obliged to repay or allow to the said proprietor or proprietors of the malt, out of the duties arising by malt, so much money as shall be certified to have been paid for the duty of the malt lost or destroyed shall amount unto; and in cases where the malt shall not be totally lost or destroyed, but damaged only, the said justices and commissioners, in such cases, are hereby respectively empowered, upon proof of such damage and of the amount of the duties, to determine and settle the quantum of damage, and to give a certificate under their respective seals of the sum allowed for and in respect of such damage, which allowance, where the malt is so damaged only, shall be the same proportion to the whole duty of the malt so damaged as the said damage shall appear to bear to the value of the malt before it was so damaged; which certificate being produced to the officer appointed to collect the said duty, he shall be obliged to repay or allow to the said proprietor or proprietors of the said malt so damaged, out of the duties arising by malt, so much money as the sum certified as aforesaid, shall amount unto.

Persons sustaining loss, &c. to leave notice with the collector, &c. six days at least before the next quarter-sessions, &c.

and apply for relief within a month after loss, &c.

XXXVI. Provided always, That the person or persons who shall have sustained such loss or damage, or their agent or agents, shall give or leave notice thereof in writing with the collector of the excise of the division or collection next adjoining the place where such loss or damage happened, to which person or persons intend to apply for such allowance or certificate, or to the solicitor of and for the excise, of such loss or damage, and intentions to apply to such justices or commissioners, for an allowance in respect thereof, six days at least before the beginning of such quarter-sessions, or applications to such commissioners; and shall apply for such relief in the next quarter-sessions, within one month after loss or damage happening

XXXVII.

XXXVII. Provided also, That after any of the said justices or commissioners shall have once examined and ascertained such losses or damage, the same shall never after be examined into by any other of the said justices or commissioners.

Losses, &c. ascertained by justices, not to be examined by any other.

Monies due on unsatisfied certificates of malt act 7 Geo. 1. stat. 1. c. 20. to be made good, &c. EXP.

C A P. IV.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. EXP.

C A P. V.

An act for redeeming certain annuities, now payable by the cashier of the bank of England, at the rate of five pounds per centum per annum.

MAY it please your most excellent Majesty, Whereas in and by ^{1 Geo. 1. stat.} an act of parliament, made and passed in the first year of your ^{2. C. 21.} Majesty's reign, intituled, An act for raising nine hundred and ten thousand pounds for publick services, by sale of annuities, after the rate of five pounds per centum per annum, redeemable by parliament, and to authorize a treaty concerning private rights claimed by the proprietors of the sugar-houses in Scotland, a certain yearly sum of forty five thousand five hundred pounds was established to be a distinct and separate yearly fund, for answering and paying certain annuities, after the rate of five pounds per centum per annum, which were then to be purchased upon the same act, until the redemption thereof by parliament; and the said yearly fund was thereby directed to be issued at the exchequer, to the first and chief cashier of the governor and company of the bank of England for the time being, by way of impress, and upon account, for payment of the said annuities, which were to be purchased upon that act; and it was thereby enacted, That the monies which should be contributed on the same act, for or towards the sum of nine hundred and ten thousand pounds therein mentioned, should be deemed to be a capital or joint stock, on which such annuities should be attending; and the same joint stock, and the proportional annuities attending the same, were thereby made transferrable and deviseable in the manner thereby prescribed; and in the said act is contained a proviso, That, at any time upon one year's notice, and repayment by parliament of the said sum of nine hundred and ten thousand pounds, or so much thereof as shall be advanced upon the said act, unto the respective contributors of the same, or to such person or persons as by, from or under them, should then be entitled to the said annuities, after the rate of five pounds per centum per annum, in respect of the money so advanced, according to such interests as they respectively should then have in the same annuities; and also upon full payment and satisfaction of all arrears of the said annuities, after the rate of five pounds per centum per annum, (if any such should be then due) then, and not till then, the said annuities, after the rate of five pounds per centum per annum, created by that act, should cease and determine. And whereas the contri-

1 Geo. 1. stat.
2. c. 21.

1 Geo. 1. stat.
2. c. 21.

ductions on the said act did amount to the said full sum of nine hundred and ten thousand pounds, and the annuities, which became payable in respect of the same, did amount to the yearly sum of forty five thousand five hundred pounds: and whereas since the making of the said act, as much of the said capital stock as amounted to seven hundred six thousand one hundred seventy five pounds and fifteen shillings, and as many of the said annuities attending the same, as amounted to thirty five thousand three hundred and eight pounds fifteen shillings and nine pence per annum, have been subscribed into the capital stock and yearly fund of the South-Sea company, and as much of the said capital stock created by the act, in part before recited, as amounts to two hundred three thousand eight hundred twenty four pounds and five shillings, and as many of the said annuities as amount to ten thousand one hundred ninety one pounds four shillings and three pence per annum, in respect thereof, do still remain transferrable at the bank, or devisable as aforesaid, and are payable by the said cashier of the governor and company of the bank of England for the time being: and whereas in and by certain clauses contained in another act of parliament, made and passed in the said first year of your Majesty's reign, intituled, An act for enlarging the capital stock and yearly fund of the South-Sea company, and for supplying thereby eight hundred twenty two thousand thirty two pounds four shillings and eight pence, to publick uses; and for raising one hundred sixty nine thousand pounds for the like uses, by sale of annuities upon divers encouragements therein mentioned; and for appropriating several supplies granted to his Majesty, for encouragement of such persons and corporations as would advance, for the service of the publick, any sum or sums of money, not exceeding the further sum of one hundred sixty nine thousand pounds, a certain yearly sum of eight thousand four hundred and fifty pounds was established to be a distinct or separate fund, for answering and paying annuities after the rate of five pounds per centum per annum, which were thereby to be purchased, until the redemption thereof by parliament; and the said yearly fund or sum of eight thousand four hundred and fifty pounds per annum, was thereby directed to be issued at the exchequer, to the first and chief cashier of the governor and company of the bank of England for the time being, by way of impress, and upon account, for payment of the said annuities not exceeding eight thousand four hundred and fifty pounds per annum; and it was thereby enacted, That the monies which should be so contributed or advanced for or towards the said sum, not exceeding one hundred sixty nine thousand pounds, should be a capital or joint stock, on which the annuities last mentioned should be attending; and the same joint stock, and the proportional annuities attending the same, were thereby made transferrable and devisable in the manner thereby prescribed; and in the act last mentioned there is contained a proviso, That at any time, upon one year's notice and repayment by parliament, of the said sum of one hundred sixty nine thousand pounds, or so much thereof as should be advanced on the act last mentioned. unto the respective contributors of the same, or to such person or persons as by, from or under them should be then entitled to the same annuities, after the rate of five pounds per centum per annum,

annum, in respect of the money so advanced, according to such interests as they respectively should then have in the same annuities, and also upon full payment and satisfaction of all arrears of the same annuities, after the rate of five pounds per centum per annum, if any should be then due, then, and not till then, the said last mentioned annuities, after the rate of five pounds per centum per annum, should also cease and determine: and whereas the contributions upon the clauses in the act last mentioned for such annuities aforesaid, did amount to the said whole sum of one hundred sixty nine thousand pounds; and the annuities which were payable in respect of the same, did amount to the said yearly sum of eight thousand four hundred and fifty pounds, and since the making of the act last in part before recited, as much of the said capital stock last mentioned, as amounted to one hundred thirty seven thousand five hundred twenty six pounds six shillings and eight pence, and as many of the same annuities attending the same stock as amounted to six thousand eight hundred seventy six pounds six shillings and four pence per annum, have been subscribed into the capital stock and fund of the South-Sea company, and as much of the said capital stock of one hundred sixty nine thousand pounds as amounted to thirty one thousand four hundred seventy three pounds thirteen shillings and four pence, and as many of the said annuities attending the same as amounted to one thousand five hundred seventy three pounds, thirteen shillings and eight pence per annum, still remain transferrable at the bank, and devisable as aforesaid, and payable by the said cashier of the governor and company of the bank of England for the time being; now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being fully determined that the said annuities or sums, amounting to one hundred ninety one pounds four shillings and three pence per annum, and one thousand five hundred seventy three pounds thirteen shillings and eight pence per annum, severally payable after the rate of five pounds per centum per annum as aforesaid, by the said cashier of the governor and company of the bank of England for the time being, shall be redeemed at the end of one year next after the feast of the annunciation of the blessed Virgin *Mary* in the year of our Lord one thousand seven hundred and twenty three, by paying to the said cashier for the time being, the said several sums of two hundred and three thousand eight hundred twenty four pounds five shillings, and thirty one thousand four hundred seventy three pounds thirteen shillings and four pence; and such arrears (if any) as shall then be due upon the said annuities, amounting to ten thousand one hundred ninety one pounds four shillings and three pence per annum, and one thousand five hundred seventy three pounds thirteen shillings and eight pence per annum, for the use of such person and persons, body and bodies politick and corporate, as shall then be entitled to the same, according to such interest as they respectively shall then have therein, do most humbly pray your Majesty, That it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal,

Annuities }
payable by the
cashier of the
bank, &c.
when redeem-
able, &c.

Speaker of the house of commons to notify to the bank, in writing, the time of redemption, &c.

This and former notices to be good and sufficient, &c.

1 Geo. 1. stat. 2. c. 19.

3 Geo. 1. c. 7.

and commons in this present parliament assembled and by the authority of the same, That on or before the said feast of the annunciation of the blessed Virgin *Mary* in the year one thousand seven hundred and twenty three, the present, or then speaker of the house of commons, may give or leave notice in writing at the office of the governor and company of the bank of *England*, That the honourable house of commons will, at the feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty four, redeem the said annuities amounting to one thousand five hundred seventy three pounds thirteen shillings and eight pence *per annum*.

II. And it is hereby enacted, That such notice so to be given or left, and the notice which the said speaker of the said house of commons did, on the five and twentieth day of *December* one thousand seven hundred and twenty two, pursuant to an order of the same house, give or leave at the said office, for redeeming all such annuities, purchased after the rate of five pounds *per centum per annum*, on the act first above recited, as had not been subscribed into the capital stock of the *South-Sea* company, shall, by force and virtue of this act, be and be deemed, adjudged and taken to be good and sufficient notice, within the true intent and meaning of the said several acts of the first year of his Majesty's reign, for redeeming as well the said annuities, amounting to ten thousand one hundred ninety one pounds four shillings and three pence *per annum*, as the said annuities amounting to one thousand five hundred seventy three pounds thirteen shillings and eight pence *per annum*, at the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty four, and the same shall be redeemable accordingly; any thing in the said acts of the first year of his Majesty's reign, or either of them, or any other act or acts of parliament contained to the contrary notwithstanding.

III. And whereas an act of parliament was made and passed in the third year of your Majesty's reign, intituled, An act for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery-acts passed in the ninth and tenth years of her late Majesty's reign; and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf; and for establishing a general yearly fund, not only for the future payment of annuities at several rates, to be payable and transferable at the bank of *England*, and redeemable by parliament; but also to raise money for such proprietors of the said orders, as shall chuse to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments, as in this act are mentioned; and for taking off the duties on linseed imported and *British* linen exported, in and by which act (amongst other things therein contained) a certain yearly sum, amounting to seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny per annum, from the feast of Saint Michael the archangel in

the

of our Lord one thousand seven hundred and seventeen, by or
 such duties, weekly payments and other provisions as are therein
 ed, was settled and established to be a general yearly fund, for
 vards the answering and paying such several and respective an-
 and payments as were thereby charged or chargeable thereupon,
 manner as is therein mentioned: and whereas (amongst other
 ts which were provided for by the same act) certain annuities,
 be rate of five pounds per centum per annum, amounting in
 ole to four hundred seventy six thousand seven hundred seven-
 unds seventeen shillings and eight pence per annum, were pur-
 s that act charged upon the said general yearly fund, as well in
 discharge of several lottery-orders, made forth by several acts
 ament of the ninth and tenth years of the reign of her late Ma-
 queen Anne, (of blessed memory) as also of certain orders or an-
 oyments, which had been charged upon the hereditary excise,
 annuities, amounting to four hundred seventy six thousand seven
 d seventeen pounds seventeen shillings and eight pence per an-
 lo charged on the said general yearly fund by the said act of the
 ear of your Majesty's reign, were thereby made likewise payable
 ashier of the governor and company of the bank of England for
 being, and the proprietors thereof, by virtue of the same act,
 stituted in respect thereof, to a capital sum, amounting in the
 nine millions five hundred thirty four thousand three hundred
 ten pounds thirteen shillings and eleven pence three farthings,
 was also transferrable at the bank of England, or devisable as
 ame act was directed: and whereas since the making of the said
 be third year of your Majesty's reign, as much of the said ca-
 ck of nine millions five hundred thirty four thousand three hun-
 dy seven pounds thirteen shillings and eleven pence three far-
 as amounted to eight millions three hundred twenty nine thou-
 re hundred seventy one pounds ten shillings and seven pence,
 many of the said annuities attending the same as amounted to
 ndred and sixteen thousand four hundred seventy eight pounds
 illings and sixpence per annum, have been subscribed into the
 stock and fund of the South-Sea company, and as much of the
 ital stock of nine millions five hundred thirty four thousand
 undred fifty seven pounds thirteen shillings and eleven pence
 vthings, as amounts to one million two hundred and four thou-
 ven hundred eighty six pounds three shillings and four pence
 vthings, and as many of the said annuities attending the same
 nt to sixty thousand two hundred thirty nine pounds six shil-
 d two pence per annum, do still remain transferrable at the
 nd payable by the said cashier of the governor and company of
 t of England for the time being; which annuities, amounting
 thousand two hundred thirty nine pounds six shillings and two
 r annum, are nevertheless subject to a proviso contained in
 act of the third year of your Majesty's reign, whereby it is
 d and enacted, That at any time upon notice to be given or left
 ublick office of the governor and company of the bank of Eng-
 any of the quarterly feast-days therein mentioned, for pay-
 the said annuities, and upon repayment by parliament of their

9 Ann. c. 6.
 10 Ann. c. 19.
 & 26.

3 Geo. 1. c. 7ⁱ

3 Geo. 1. c. 7.

Speaker of the
house of com-
mons to noti-
fy to the bank,
in writing,
the time of re-
demption, &c.

This and for-
mer notices to
be good and
sufficient, &c.

1 Geo. 1. stat.
2. c. 19.

3 Geo. 1. c. 7.

and commons in this present parliament assembled and I authority of the same, That on or before the said feast of annunciation of the blessed Virgin *Mary* in the year one thousand seven hundred and twenty three, the present, or speaker of the house of commons, may give or leave notice in writing at the office of the governor and company of the Bank of *England*, That the honourable house of commons at the feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty four, redeem the said annuities amounting to one thousand five hundred seventy three pounds thirteen shillings and eight pence *per annum*.

II. And it is hereby enacted, That such notice so to be given or left, and the notice which the said speaker of the said house of commons did, on the five and twentieth day of *December* one thousand seven hundred and twenty two, pursuant to an act of the same house, give or leave at the said office, for redeeming all such annuities, purchased after the rate of five per centum *per annum*, on the act first above recited, as has been subscribed into the capital stock of the *South-Sea* company, shall, by force and virtue of this act, be and be deemed, read and taken to be good and sufficient notice, within the intent and meaning of the said several acts of the first year of his Majesty's reign, for redeeming as well the said annuities amounting to ten thousand one hundred ninety one pounds thirteen shillings and three pence *per annum*, as the said annuities amounting to one thousand five hundred seventy three pounds thirteen shillings and eight pence *per annum*, at the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty four, and the same shall be redeemable accordingly; any thing in the said acts of the first year of his Majesty's reign, or either of them, or any other act or acts of parliament contained to the contrary notwithstanding.

III. And whereas an act of parliament was made and passed in the third year of your Majesty's reign, intituled, An act for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery-acts in the ninth and tenth years of her late Majesty's reign for redeeming certain annuities payable on orders out of the reeditary excise, according to a former act in that behalf; and establishing a general yearly fund, not only for the future redemption of annuities at several rates, to be payable and transferable at the bank of *England*, and redeemable by parliament but also to raise money for such proprietors of the said annuities as shall chuse to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments, as in this act are mentioned; and for taking the duties on linseed imported and *British* linen exported, by which act (amongst other things therein contained) a certain sum, amounting to seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny *per annum*, from the feast of *Saint Michael* the archa

the year of our Lord one thousand seven hundred and seventeen, by or out of such duties, weekly payments and other provisions as are therein mentioned, was settled and established to be a general yearly fund, for and towards the answering and paying such several and respective annuities and payments as were thereby charged or chargeable thereupon, in such manner as is therein mentioned: and whereas (amongst other payments which were provided for by the same act) certain annuities, after the rate of five pounds per centum per annum, amounting in the whole to four hundred seventy six thousand seven hundred seventeen pounds seventeen shillings and eight pence per annum, were pursuant to that act charged upon the said general yearly fund, as well in lieu and discharge of several lottery-orders, made forth by several acts of parliament of the ninth and tenth years of the reign of her late Majesty Queen Anne, (of blessed memory) as also of certain orders or annual payments, which had been charged upon the hereditary excise, which annuities, amounting to four hundred seventy six thousand seven hundred seventeen pounds seventeen shillings and eight pence per annum, so charged on the said general yearly fund by the said act of the third year of your Majesty's reign, were thereby made likewise payable by the cashier of the governor and company of the bank of England for the time being, and the proprietors thereof, by virtue of the same act, were entitled in respect thereof, to a capital sum, amounting in the whole to nine millions five hundred thirty four thousand three hundred fifty seven pounds thirteen shillings and eleven pence three farthings, which was also transferrable at the bank of England, or deviseable as in the same act was directed: and whereas since the making of the said act of the third year of your Majesty's reign, as much of the said capital stock of nine millions five hundred thirty four thousand three hundred fifty seven pounds thirteen shillings and eleven pence three farthings, as amounted to eight millions three hundred twenty nine thousand five hundred seventy one pounds ten shillings and seven pence, and as many of the said annuities attending the same as amounted to four hundred and sixteen thousand four hundred seventy eight pounds eleven shillings and sixpence per annum, have been subscribed into the capital stock and fund of the South-Sea company, and as much of the said capital stock of nine millions five hundred thirty four thousand three hundred fifty seven pounds thirteen shillings and eleven pence three farthings, as amounts to one million two hundred and four thousand seven hundred eighty six pounds three shillings and four pence three farthings, and as many of the said annuities attending the same as amount to sixty thousand two hundred thirty nine pounds six shillings and two pence per annum, do still remain transferrable at the bank, and payable by the said cashier of the governor and company of the bank of England for the time being; which annuities, amounting to sixty thousand two hundred thirty nine pounds six shillings and two pence per annum, are nevertheless subject to a proviso contained in the said act of the third year of your Majesty's reign, whereby it is provided and enacted, That at any time upon notice to be given or left at the publick office of the governor and company of the bank of England, at any of the quarterly feast-days therein mentioned, for payment of the said annuities, and upon repayment by parliament of their

9 Ann. c. 6.
10 Ann. c. 19.
& 26.

3 Geo. I. c. 7.

3 Geo. I. c. 7.

&c. New bills to be made forth in lieu of bills filled up or defaced, &c. Treasury may cause bills not exceeding 5000 l. to be made forth, and placed as cash in the exchequer, &c. Forging or counterfeiting exchequer bills, &c. Felony. E X P.

3 Geo. I. c. 7. XX. *And whereas the several surplusses, excesses and overplus monies, commonly called the said sinking fund (which in and by the said act made in the third year of his Majesty's reign were appropriated to and for discharging the principal and interest of such national debts and incumbrances, as were incurred before the twenty fifth day of December one thousand seven hundred and sixteen, and were declared to be national debts, and were provided for by act of parliament, in such manner and form as should be directed or appointed by any future act or acts of parliament, to be discharged therewith or out of the same) have usually been computed at or about the feast of Saint Michael the archangel in every year, and the last computation of the clear produce thereof, now lying before the honourable house of commons did terminate at or about the feast of Saint Michael the archangel one thousand seven hundred and twenty two: now to the end, intent and purpose that all the exchequer bills to be made forth by virtue of this act, not exceeding as aforesaid, may be paid off and discharged in such course and order as are hereafter in and by this act appointed in that behalf; and to the end the same bills, or so many of them as shall from time to time remain undischarged, may the better obtain a currency for such time as they or any of them are hereby intended to be current, be it further enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, and the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall from henceforth cause the clear produce of the said several surplusses, excesses and overplus monies, commonly called the sinking fund, to be computed and stated half-yearly (to wit) at the feast of the annunciation of the blessed Virgin Mary, and the feast of Saint Michael the archangel in every year, until all the exchequer bills to be made forth by virtue of this act shall be fully paid off and discharged, or money sufficient shall be reserved for completely paying off and discharging the same: the first of which accounts so to be stated of the said surplusses, excesses and overplus monies shall terminate at the feast of the annunciation of the blessed Virgin Mary which shall be in the year of our Lord one thousand seven hundred and twenty three, and the subsequent accounts thereof shall be made up and adjusted at every of the said half-yearly feast-days, or as soon after as the accounts of the publick revenues, whereupon such stated accounts are to be formed, can be collected for that purpose.*

Produce of sinking fund to be stated half-yearly, &c.

How applied.

XXI. And it is hereby enacted by the authority aforesaid, That all the monies of the said surplusses, excesses and overplus monies, called the sinking fund, which were produced at or before the said feast of Saint Michael the archangel one thousand seven hundred and twenty two, which shall remain over and above the said sum of two hundred and four thousand seven hundred

dred eighty six pounds three shillings and four pence three farthings, to be issued out of the same as aforesaid, (if any such be) and all the monies from time to time arising of or for the said surplusses, excesses and overplus monies, called the sinking fund, which hereafter shall or ought to appear upon the making up and adjusting every half-yearly account or state of the produce of the same as aforesaid, (except such monies of the said sinking fund, as are appropriated to any particular use or uses by any other or former act or acts of parliament in that behalf, and shall be payable or demandable before the end of every such half-year respectively) shall, from time to time, as the same shall arise at the said receipt of exchequer, be issued to such paymaster as is herein after mentioned, by way of imprest and upon account, for and towards the paying off and discharging the said exchequer-bills, which shall have been made forth by virtue of this act, in their due course and order as they shall be numbered and stand in the said register, and for or towards the charge of exchanging and circulating the said bills or any of them, and for or towards such other payments as are in and by this act directed or allowed to be made or discharged out of the same, and for no other use, intent or purpose whatsoever, until all the said bills shall be paid off, discharged and cancelled, and the said other payments shall be satisfied, or money sufficient shall be reserved for those purposes.

Treasury to appoint persons to discharge principal, arising in course of payment, upon exchequer-bills, &c. Surplusses, &c. applied to the discharge of exchequer-bills, &c. Bills to be registred in course, &c. No undue preference in payment. Treasury to appoint salaries, &c. Treasury may contract with persons for circulating and exchanging bills for money, &c. Contracts to be registred, &c. Contractors not liable to bankruptcy, &c. for that cause only. No fee, &c. to be taken in the exchequer for any thing there done in pursuance of this act, &c. Interest upon bills not to be paid to any sum less than a penny, &c. Treasury may pay out of sinking fund, the charges of making forth new bills, &c. Monies due upon bills lost, burnt or destroyed, to be satisfied upon oath, &c. Bills paid off to be cancelled, &c. EXP.

XXXIV. Provided always, and it is hereby likewise enacted by the authority aforesaid, that all the monies arisen or to arise into the exchequer of or for the said surplusses, excesses and overplus monies, commonly called the sinking fund (except such monies thereof as are by this or any act or acts of this or any former session or sessions of parliament, specially charged upon the said sinking fund, or to be paid out of the same, or out of any revenues or branches composing the said sinking fund) shall be appropriated, reserved and employed, to and for discharging the principal and interest of such national debts and incumbrances as were incurred before the twenty fifth day of *December* one thousand seven hundred and sixteen, and are declared to be such national debts as may be redeemed, and are provided for by act of parliament, in such manner and form as shall be directed and appointed by any future act or acts of parliament

Monies arising from sinking fund, how appropriated, &c.

liament to be discharged therewith, or out of the same, and to none other use, intent or purpose whatsoever; any thing in this act contained to the contrary notwithstanding.

1 Geo. 1. stat.
2. C. 24.

XXXV. *And whereas by an act of parliament of the first year of his Majesty's reign, intituled, An act for appointing commissioners to take, examine and state the debts due to the army, several persons therein named, were constituted commissioners for taking and stating the accounts, claims and demands therein mentioned, which act was to endure from the tenth day of September one thousand seven hundred and fifteen, to the tenth day of September one thousand seven hundred and sixteen; and by another act of the first*

2 Geo. 1. stat.
2. C. 35.

year of his Majesty's reign, intituled, An act to appoint a commissioner for taking, examining and stating the debts due to the army, in the room of Thomas Smith, esq; deceased; and for continuing the former act until the tenth day of March one thousand seven hundred and sixteen, several persons therein named, were constituted commissioners, with power to proceed in the examining and stating the accounts, and to do other things therein mentioned, from the ninth day of September one thousand seven hundred and sixteen, to the tenth day of March then next following: and by an

3 Geo. 1. C. 17.

act of the third year of his Majesty's reign, intituled, An act to enable his Majesty to appoint commissioners to take, examine, state and determine the debts due to the army, it was enacted, That it should and might be lawful for his Majesty to grant to any persons (whom his Majesty should think fit, not exceeding the number of seven) his commission under the great seal of Great Britain, with full power, at any time before the tenth day of March one thousand seven hundred and seventeen, to take, examine and state the debts then remaining due to the army; and that it should and might be lawful to and for the commissioners so to be constituted, or any four or more of them, to proceed to determine such accounts, claims and demands, as had been taken and stated by the commissioners appointed by the said former acts, or any four or more of them, and also to take, state and determine such of the said accounts, claims and demands, as were not so taken and stated, and after such determinations respectively, to certify the same to the paymaster of his Majesty's forces for the time being, or to the then late paymaster or paymasters for such respective times as they were employed or concerned in the payment of her late Majesty's forces, and in which the said debts, claims or demands became due and were contracted, and what should remain due upon such respective accounts, claims or demands, and to whom the same was respectively due, in order to the said paymasters making out debentures to the officers, engineers, gunners, and other persons, to whom the monies so certified to be due should respectively belong, which said debentures the said paymaster or paymasters respectively, were thereby directed and required to make out accordingly: and that the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, should order and appoint such a form and method of making out the said debentures, as might best tend to prevent the counterfeiting of the same: and whereas on the eighth day of February one thousand seven hundred and seventeen, James then lord viscount Stan-

hope,

hope, (afterwards earl Stanhope,) Thomas lord Torrington, John Wallop, esquire, (now lord Limington) and George Baillie, esquire, then commissioners of his Majesty's treasury, did by an instrument in writing under their hands, pursuant to the power to them given by the said act of the third year of his Majesty's reign, approve a form and method of making out debentures in the manner thereby described, and did order and appoint the said method and form accordingly: and whereas by several acts of parliament, made and passed since the said act of the third year of his Majesty's reign, several persons therein respectively named have been constituted commissioners to examine, state and determine the debts due to the army, who were by the same acts respectively impowered to act in performance of the trusts in them respectively reposed, without obtaining any new commission under the said great seal in that behalf: and whereas by one of the said subsequent acts which was made and passed in the fifth year of his Majesty's reign, it was enacted, that all certificates made out by virtue of that act, should be directed to the right honourable (James earl of Carnarvon (now duke of Chandos), or his deputy, or such person or persons as the commissioners of the treasury, or any three or more of them, or the lord high treasurer for the time being, should think fit to nominate and appoint; and the said earl of Carnarvon, or his deputy, or the said person or persons so to be nominated, were thereby directed and authorized to issue the debentures accordingly, as well for such sum or sums of money, as should appear to have arisen or become due to the respective claimants for any time, during which he was paymaster, as for any time or times before or since: and whereas by an instrument in writing, bearing date the fourth day of June one thousand seven hundred and nineteen, under the hands and seals of John Aillabie, esquire, John Wallop, esquire, (now lord Limington) George Baillie, esquire, and William Clayton, esquire, then commissioners of his Majesty's treasury, Thomas More, esquire, (who had acted and then continued to act as deputy to the said James duke of Chandos in all cases where debentures had heretofore been, or were by the said act of the fifth year of his Majesty's reign, authorized to be made out by the said duke, as late paymaster general of the army, or his deputy) was constituted and appointed to make out debentures on all and every the certificates whatsoever, that were, should or might be issued by the commissioners appointed as aforesaid, upon or by virtue of the said act of the fifth year of his Majesty's reign: and whereas by an act made and passed in the seventh year of his Majesty's reign (being one of the acts for appointing commissioners to examine, state and determine the debts due to the army) it was enacted, That all debentures made out, or to be made out by any paymaster or paymasters, or his or their deputy or deputies, in pursuance of any certificate authorized to be made out by the commissioners by virtue of that or any other act or acts of parliament, for stating and determining the debts due to the army, should carry an annuity after the rate of four pounds per centum per annum, to commence from the twenty fourth day of June one thousand seven hundred and seventeen, and that the same annuities should be payable out of the monies arising or to arise from the customs and other duties and payments, commonly call-

3 Geo. 1. c. 17.

4 Geo. 1. c. 9.

5 Geo. 1. c. 14.

6 Geo. 1. c. 17.

7 Geo. 1. stat.

1. c. 30.

5 Geo. 1. c. 14.

7 Geo. 1. stat.

1. c. 30.

- 3 Geo. 1. c. 7. *ed the general fund, established by an act of parliament of the third year of his Majesty's reign, amounting to seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence one fifth part of a penny per annum, and the commissioners of his Majesty's treasury, or any three or more of them, and the high treasurer for the time being, are thereby authorized and impowered, upon producing any such debenture or debentures made forth or to be made forth upon any such certificate or certificates as aforesaid, to issue standing orders for paying at the said receipt of exchequer, the said annuities for the principal sums contained in the said debentures respectively, to the persons named in such debentures, their executors, administrators, successors and assigns respectively, which annuities are nevertheless redeemable, according to a proviso in the said act of the seventh year of his Majesty's reign contained in that behalf, as by the said several acts and instruments, relation being thereunto had, may*
- 7 Geo. 1. stat. 1. c. 30. *more fully appear: and whereas the said Thomas More hath made forth several debentures in the form prescribed by the said commissioners of the treasury, upon the said commission under the great seal, which was founded upon the said act of the third year of his Majesty's reign, and some doubts have arisen or may arise, whether the certificates made forth by the several commissioners, for stating and determining the debts due to the army, pursuant to the said other acts, or some of them, and which certificates have been delivered to the said Thomas More, were delivered to a proper officer or person in order to have the debentures made forth thereupon; and whether the said Thomas More, to whom such certificates were delivered, was strictly authorized in all cases, to make forth the debentures upon all such certificates so delivered to him; and whether the standing orders for such annuities as aforesaid, payable at the exchequer, or some of them have been well grounded upon all the debentures signed by the said Thomas More as aforesaid: now for the obviating all such doubts for the future, it is hereby declared and enacted, &c.*

Debentures, &c. already made forth, or to be made forth, &c. deemed good and valid. Altering or counterfeiting debentures, &c. Felony. E X P.

- XXXVII. *And whereas since the said feast of Saint Michael the archangel in the year of our Lord one thousand seven hundred twenty and two, several sums of money have been called for to be issued for paying off and cancelling such of the exchequer-bills as then remained to be cancelled, pursuant to an act made and passed in that behalf in the eighth year of his Majesty's reign, and several sums, amounting to twenty three thousand one hundred thirty eight pounds eleven shillings ten pence three farthings, part of the monies of the said sinking fund, which remained in the exchequer at the said feast of Saint Michael the archangel one thousand seven hundred twenty two, have since been issued or directed to be issued pursuant to the act last mentioned, for or towards paying off and cancelling the said exchequer-bills, which then remained undischarged: now to the end the compleat redemption of the said annuities, amounting to sixty thousand two hundred thirty nine pounds six shillings and two pence*
- 3 Geo. 1. c. 20. *per*

per annum, may not be obstructed or delayed; it is hereby provided and further enacted by the authority aforesaid, That for making up the abovesaid sum of two hundred and four thousand seven hundred eighty six pounds three shillings and four pence three farthings, by this act intended to be applied towards the redemption thereof, the sum of one hundred ninety two thousand two hundred seventy four pounds sixteen shillings one penny and fourteen twentieth parts of one penny, remaining undisposed of the said sinking fund, computed at the feast of Saint *Michael* the archangel one thousand seven hundred twenty and two, shall and may be issued and applied according to the purport and true meaning of this act above expressed; and that any further sum or sums of money, not exceeding in the whole twelve thousand five hundred eleven pounds seven shillings three pence and one twentieth part of a penny, shall and may be taken and issued out of the first money arising of or by the said sinking fund, to be computed for any time after the said feast of Saint *Michael* the archangel one thousand seven hundred and twenty two; and the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized and directed to issue or cause to be issued the same accordingly; any thing in this or any other law or statute whatsoever to the contrary notwithstanding.

Redemption of the annuities amounting to 60,239l. 6s. 2d. per annum, how to be made, &c.

CAP. VI.

An act for reviving and adding two millions to the capital stock of the South-Sea company, and for reviving a proportional part of the yearly fund payable at the exchequer, and for dividing their whole capital (after such division made) into two equal parts or moieties, and for converting one of the said moieties into certain annuities for the benefit of the members and for settling the remaining moiety in the said company; and for continuing for one year longer, the provision formerly made against requiring special bail in actions or suits upon such contracts as are therein mentioned.

MAY it please your most excellent Majesty, whereas in an act of parliament of the seventh year of your Majesty's reign, intitled, An act for making several provisions to restore the public credit, which suffers by the frauds and mismanagements of the late directors of the South-Sea company, and others, there is contained a clause or proviso in the words or to the effect following, (that is to say) provided always nevertheless, and it is hereby enacted, That from and after the said feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty two, the full sum of two millions of pounds sterling, part of the capital stock, which shall then belong to the said company, shall by force and virtue of this act, be and be deemed and adjudged to be reduced, sunk and annihilated for ever; and that a proportional part

Farther provisions relating to the matters in this act
1 Geo. 2. stat. 2. c. 8.
7 Geo. 1. stat. 2. sect. 2.

of

of their annuities or yearly funds, payable at the exchequer in respect of two millions, shall by force and virtue of this act, from and after the said feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty two, be no longer payable, but shall from thenceforth for ever cease and determine, for the benefit of the publick; any thing in the said recited acts, or either of them, or any other law statute or provision whatsoever to the contrary in any wise notwithstanding; as by the said act, amongst divers other things therein contained, relation being thereunto had, may plainly appear: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being fully sensible of the immense loss and damage which the said company, commonly called the South-Sea company, have sustained by the many frauds, abuses and breaches of trust which were committed by the late sub-governor, deputy-governor and directors of the same company, and others in confederacy with them, or some of them; and being minded to grant further relief to the unhappy sufferers, and to advance the publick credit (as well as the credit of the same company) for the benefit of trade, and otherwise, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said recited proviso and clause be repealed, and the same are hereby declared and enacted to be null and void accordingly; and the said sum of two millions, by force and virtue of this act, is and shall be revived and again added to the present capital stock of the said South-Sea company; and that the proportional part or parts of the annuities or yearly funds of the said company, payable at the exchequer in respect of the said two millions, together with all arrears thereof, incurred or grown due since the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty two, shall also be revived, and again become payable at the exchequer, as if no such proviso or clause had been enacted or contained in the said act of the seventh year of his Majesty's reign: any thing in that act contained to the contrary notwithstanding.

Repeal of a clause in the Act 7 Geo. 1. stat. 2. for making several provisions, &c.

The two millions revived, and added to the stock of South-Sea company, &c.

7 Geo. 1. stat. 2.

Before 24 June 1723. to be divided among the proprietors of the capital stock.

II. And be it enacted by the authority aforesaid, That the said sum of two millions, by this act revived and added to the capital stock of the South-Sea company as aforesaid, shall before the twenty fourth day of June in the year of our Lord one thousand seven hundred and twenty three, be divided as near as conveniently may be, to and amongst all the proprietors of the whole capital stock of the said company, in proportion to their several and respective interests therein; and that credit be given for the same respectively in the books of the said company.

III. And whereas on the reviving and adding the said sum of two millions as aforesaid, the whole capital stock of the said South-Sea company doth by computation amount to thirty three millions eight hundred and two thousand four hundred eighty three pounds fourteen shillings

shillings and a halfpenny; and upon reviving and adding the said proportional part or parts of the said annuities or yearly funds in respect of the said two millions as aforesaid, the whole annuities or yearly funds of the said company, payable at the exchequer, in respect of their whole capital stock, do by computation amount as follows, (that is to say) for three millions eight hundred thirty nine thousand three hundred sixty three pounds thirteen shillings and one penny, (part of their said whole capital) at the rate of four pounds per centum per annum, the sum of one hundred fifty three thousand five hundred seventy four pounds ten shillings and ten pence per annum, and for twenty nine millions nine hundred sixty three thousand one hundred and twenty pounds and eleven pence halfpenny (being the residue of their whole capital) at the rate of five pounds per centum per annum, the sum of one million four hundred ninety eight thousand one hundred fifty six pounds ana a halfpenny per annum, in all one million six hundred fifty one thousand seven hundred and thirty pounds ten shillings and ten pence halfpenny per annum, payable until and for the feast of the nativity of Saint John the Baptist one thousand seven hundred and twenty seven: and from thenceforth the said annuities or yearly funds are to be computed on the said whole capital stock or sum of thirty three millions eight hundred and two thousand four hundred eighty three pounds fourteen shillings and a halfpenny, at the rate of four pounds per centum per annum, and no more, until the redemption thereof by parliament, over and above the several sums of eight thousand pounds per annum, and one thousand three hundred ninety seven pounds nine shillings and sixpence per annum, already settled and allowed for charges of management, and several other sums to be settled and allowed for charges of management, pursuant to several acts of parliament in that behalf: and whereas it is judged to be adviseable and necessary, that so great a capital stock, and such large annuities and yearly funds as are last mentioned, should be divided and separated in such a manner, that all and every the members or proprietors thereof may find their respective shares or interests in each part so divided, and separated, and the publick, as well as the said South-Sea company, may be the better secured against future frauds, abuses, errors and mismanagements; therefore we your Majesty's said dutiful and loyal subjects, do further humbly pray, that it may be enacted, and be it enacted by the authority aforesaid, That from and after the twenty fourth day of June which shall be in the year of our Lord one thousand seven hundred and twenty three, the whole capital stock of the said company, called the South-Sea company, herein computed to amount to thirty three millions eight hundred and two thousand four hundred eighty three pounds fourteen shillings and an halfpenny as aforesaid, and the shares of the respective members and proprietors of and in the same, shall be divided and separated into two equal parts or moieties, and the same from thenceforth are hereby divided and separated, and shall be deemed and adjudged to be divided and separated accordingly; any former law or statute whatsoever to the contrary notwithstanding.

From 24 June 1723. the whole capital to be divided into two equal parts. Farther divided by 6 Geo. 2. c. 28.

Moiety converted into a joint stock.

IV. And be it further enacted by the authority aforesaid, That one moiety or half-part of the said capital stock so divided and separated, which moiety or half-part will by computation amount to sixteen millions nine hundred and one thousand two hundred forty one pounds seventeen shillings and a farthing, shall from and after the said twenty fourth day of *June* one thousand seven hundred and twenty three, be, and the same from thenceforth are hereby converted into a joint stock, attended with certain annuities, payable out of the funds of the said *South-Sea* company in lieu of all the dividends, profits and advantages such moiety is now intitled to, that is to say, with annuities, after the rate of five pounds *per centum per annum*, from the said twenty fourth day of *June* one thousand seven hundred and twenty three, until and for the said feast of the nativity of Saint *John* Baptist one thousand seven hundred and twenty seven, and from thenceforth with annuities out of the same funds, after the rate of four pounds *per centum per annum* only, and no more, until redemption thereof by parliament, according to the purport and true meaning of this act; and that the same moiety so converted into such joint stock, shall from thenceforth be called the joint stock of *South-Sea* annuities; and that the other moiety or half-part of the said whole capital stock, amounting to the like sum of sixteen millions nine hundred and one thousand two hundred forty one pounds seventeen shillings and a farthing, shall remain, continue, and be in the said company, called the *South-Sea* company, as a joint stock in their own right, attended with the residue of the said annuities or yearly funds payable in the exchequer, for their said whole capital as aforesaid, until the redemption thereof by parliament, according to the purport and true meaning of this act, and also attended with the said several sums already settled and allowed, and to be settled and allowed for charges of management, and with all the other benefits, profits of trade, privileges and advantages now belonging to the said *South-Sea* company: and whereas the present annuities or yearly fund, now payable at the exchequer to the said *South-Sea* company, for or in respect of their whole capital, exclusive of the said sums settled and allowed, or to be settled and allowed for charges of management as aforesaid, doth and will, until the said feast of the nativity of Saint *John* Baptist one thousand seven hundred and twenty seven, amount to the sum of one million six hundred fifty one thousand seven hundred and thirty pounds ten shillings and ten pence halfpenny, as is before-mentioned; and the annuity or interest of that moiety which is hereby enacted to be converted into a joint stock of the *South-Sea* annuities, being computed after the rate of five pounds *per centum per annum*, doth amount unto the yearly sum of eight hundred forty five thousand sixty two pounds one shilling and ten pence farthing, which being deducted out of the said yearly sum of one million six hundred fifty one thousand seven hundred and thirty pounds ten shillings and ten pence halfpenny, the residue thereof, which will be attending

tending on the other moiety hereby enacted, to remain and be the capital stock of the said *South-Sea* company as aforesaid, will be the yearly sum of eight hundred and six thousand six hundred sixty eight pounds nine shillings and a penny farthing; and the said whole annuity or yearly fund, which from and after the said feast of the nativity of Saint *John* Baptist one thousand seven hundred and twenty seven, will be payable for both the said moieties of the capital stock so separated as aforesaid, until redemption thereof by parliament, according to the purport and true meaning of this act, will, as the same is computed after the rate of four pounds *per centum per annum*, amount to the sum of one million three hundred fifty two thousand ninety nine pounds six shillings and eleven pence halfpenny, and is from thenceforth to be divided between the said joint stock of *South-Sea* annuities, and the said capital stock remaining to the said *South-Sea* company as aforesaid, in equal moieties, over and besides the said sums settled and allowed, and to be settled and allowed for charges of management as aforesaid, which allowances are to attend the said remaining stock of the said *South-Sea* company; now as to, for and concerning the one moiety or half-part of the said whole capital stock of the said company, commonly called the *South-Sea* company, so as aforesaid converted into a joint stock of *South-Sea* annuities: be it further enacted by the authority aforesaid, That all and every the members or proprietors, having any share or interest, on the said twenty fourth day of *June* one thousand seven hundred and twenty three, of or in the last mentioned moiety or half-part of the said capital stock, amounting to the said sum of sixteen millions nine hundred and one thousand two hundred forty one pounds seventeen shillings and a farthing, his, her or their executors, administrators, successors and assigns respectively (in lieu and recompence of and for such his and their share or shares therein, and of the proportional annuities or yearly funds, dividends, profits and advantages, which belonged to every such share or shares, before the making of this act) shall have, receive and enjoy, and be entitled by force and virtue of this act, to have, receive and enjoy, one or more certain annuity or annuities, to be computed after the said rate of five pounds *per centum per annum*, on the last mentioned sum of sixteen millions nine hundred and one thousand two hundred forty one pounds seventeen shillings and a farthing from the said feast of the nativity of Saint *John* Baptist one thousand seven hundred and twenty three, until and for the said feast of the nativity of Saint *John* Baptist one thousand seven hundred and twenty seven; and from thenceforth, at the said rate of four pounds *per centum per annum*, until such redemption by parliament, and proportional annuities for any greater or lesser sums, that such shares in such joint stock of *South-Sea* annuities shall amount to, until redemption thereof by parliament as aforesaid; and the said company, called the *South-Sea* company, shall from and after the said twenty fourth day of *June* one thousand seven hundred and

and into annuities, for the benefit of the members, &c.

twenty three, have and receive, and be entitled by virtue of this act, to have and receive at the exchequer, out of the duties revenues and incomes, charged with their whole annuities or yearly funds payable there, the said yearly sum of eight hundred forty five thousand sixty two pounds one shilling and ten pence farthing, as the annuity, to attend the said moiety or half-part so as aforesaid converted unto the said joint stock of *South-Sea* annuities, from the said feast of the nativity of Saint *John* Baptist one thousand seven hundred and twenty three, until and for the said feast of the nativity of Saint *John* Baptist one thousand seven hundred and twenty seven, and from thenceforth so much yearly, as the interest of the same moiety shall amount unto, at the said rate of four pounds *per centum per annum*, until redemption by parliament as aforesaid, by weekly or other payments, as the whole yearly funds or annuities of the same company are payable to them, before the making such division and separation as aforesaid; nevertheless in trust and for the benefit of the said proprietors or members, who shall be entitled to the said *South-Sea* annuities, according to their respective interests therein; and the said company, called the *South-Sea* company, from time to time, shall have and be entitled to the like remedies, ways and means, for receiving and recovering the said monies, hereby intended for the payment of the said *South-Sea* annuities at the respective rates aforesaid, during the continuance thereof, as they might have had or used for receiving or recovering their whole annuities or yearly funds at the exchequer, if no such division and separation were made; nevertheless in trust as aforesaid, and all and every the powers, authorities, privileges, freedoms, immunities, exemptions, and other advantages, and all pains of death, penalties, forfeitures and disabilities, and all restrictions, rules and directions, and all clauses, matters and things, which were enacted or provided by any former act or acts of parliament, laws or statutes, which were in force at or until the time of making this act, for better securing the whole capital stock, and payment of the yearly funds of the said *South-Sea* company, for the sole use of the said company, or preventing or punishing the forging or counterfeiting transfers or assignments, or dividend warrants, or any powers relating thereto, shall be revived, continued, and be practised and put in execution, for better securing the said joint stock of *South-Sea* annuities, and the said yearly funds hereby enacted to attend the same, in trust, and for the benefit of the said annuitants, and for preventing or punishing the forging or counterfeiting any transfers or assignments of the said *South-Sea* annuities, or any dividend warrants made for the same, or any powers relating thereto, as fully and effectually to all intents and purposes whatsoever, as if all and every the said powers, authorities, privileges, freedoms, immunities, exemptions, and other advantages, pains of death, and other penalties, forfeitures and disabilities, restrictions, rules and directions were again repeated,

peated, and particularly re-enacted in the body of this present act.

V. And be it further enacted by the authority aforesaid, That the said joint stock of annuities, to be called the *South-Sea* annuities, or by whatsoever other name or names they or any of them shall be called or known, shall become due and payable, and be accounted to be due and payable from the feast of the nativity of Saint *John* Baptist, one thousand seven hundred and twenty three, until and for the feast of Saint *Michael* the archangel then next following, quarterly, and from thenceforth half-yearly *videlicet*, on the feast of the annunciation of the blessed Virgin *Mary*, and the feast of Saint *Michael* the archangel in every year, by even and equal portions, and at the respective rates before-mentioned, until the redemption thereof by parliament, according to the provisos and powers of redemption hereafter in this act contained in that behalf.

Quarterly and half-yearly payments of annuities, &c.

VI. Provided always, and it is hereby enacted by the authority aforesaid, That if at any time or times hereafter, any deficiency or deficiencies shall happen in the produce of all or any of the several duties, revenues, and incomes, charged with the joint stock of the said *South-Sea* annuities as aforesaid, and attendant on the said remaining stock, and the said allowances for charges of management, to be continued to the said *South-Sea* company in their own right as aforesaid, then and in every such case so happening, the said joint stock of *South-Sea* annuities, in respect of their said yearly fund, shall from time to time bear one moiety or half-part of every such deficiency, until the same shall be provided for and made good by authority of parliament, and no more; any thing in this act, or any former law, statute or provision whatsoever to the contrary notwithstanding.

Deficiencies how made good.

VII. Provided also, and it is hereby enacted by the authority aforesaid, That the proportional share and shares, which all and every person and persons, body and bodies politick and corporate, upon such division and separation as aforesaid, shall have and be entitled unto of or in the said joint stock of *South-Sea* annuities, shall after the said twenty fourth day of *June* one thousand seven hundred and twenty three, be written off from the present books of the said company, into a new ledger or ledgers, with the proportional annuity and annuities, which in pursuance of this act, are to attend the same share and shares respectively, with proper debits and credits, so that the same annuities intended to be founded on this act may be known and ascertained, and the future transfers, and other legal dispositions thereof, or of any part or parcel, parts or parcels of the same, may from time to time plainly appear and be inspected.

Shares after 24 June 1723. to be written off from company's books, and entred into new ledgers, &c.

VIII. And it is hereby enacted, That as well the said *South-Sea* annuities, intended to be founded on this act, and all and every the principal sums for which the said several *South-Sea* annuities are to be payable, and whereupon they shall be com-

Annuities, &c. tax-free.

puted pursuant to this act, and every of them, shall be free from all taxes, charges and impositions whatsoever.

To be personal estates, and not liable to foreign attachments, &c.

IX. And be it further enacted by the authority aforesaid, That all and every the persons and corporations whatsoever, who shall be entitled to any of the said *South-Sea* annuities, to be founded on this act as aforesaid, and all persons and corporations lawfully claiming under them respectively, shall be possessed thereof as a personal estate, and the same shall not be descendable to the heir, and shall not be liable to any foreign attachment by the custom of *London* or otherwise; any law, statute, or custom to the contrary notwithstanding.

Principal monies in annuities, &c. to be deemed capital or joint stock, &c.

X. And be it further enacted by the authority aforesaid, That all the principal monies in the said joint stock of the *South-Sea* annuities for which the said several and respective annuities shall pursuant to this act be payable as aforesaid, shall be deemed, reputed and taken to be one capital or joint stock, on which the same annuities shall be attending; and that all and every person and persons, body and bodies politick and corporate, in proportion to such their respective *South-Sea* annuities, shall have and be deemed, reputed and taken to have a share in such stock; and that the same capital or joint stock, or any share or shares therein, and the proportional annuity and annuities attending the same, shall be assignable and transferrable as this act directs, and not otherwise; and that the said company, commonly called the *South-Sea* company, shall cause to be constantly kept, within some convenient place within the city of *London*, an office and a book or books, in which all assignments or transfers of the said stock of *South-Sea* annuities as aforesaid, and of the proportional annuities attending the same, or any part or parcel, parts or parcels thereof, shall be fairly entered and registred, which entry shall be contrived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or (if the party be absent) by his, her or their attorney thereunto lawfully authorized by writing under his, her or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons, to whom such transfers shall be made, do underwrite his, her or their acceptance thereof; and that no other method of assigning or transferring the said stock and annuities to attend the same, or any part thereof, or any interest therein, shall be good and available in law: provided always, That any person or persons possessed of such *South-Sea* annuity or annuities as aforesaid, or any interest therein, may bequeath the same by will in writing, attested by two or more credible witnesses, but that such legatee shall receive no payment thereupon, till so much of the said will as relates to such *South-Sea* annuity or annuities, be entered in the office last mentioned; and in default of such transfer or bequest, the stock and annuity or annuities attending the same, shall go to the executors or administrators.

And assignable.

An office to be kept in *London* for entry of assignments, &c.

No stamp duties on transfers, &c.

XI. And it is hereby enacted by the authority aforesaid, That no stamp duties whatsoever, shall be chargeable upon any the trans-

transfers or assignments of the said joint stock of the said *South-Sea* annuity, or annuities to attend the same, or any of them.

XII. And as for and concerning the other moiety or half-part of the said whole capital stock of the said company, commonly called the *South-Sea* company, so remaining and continued to the said *South-Sea* company as their capital stock, and all sums settled and allowed, or to be settled and allowed for management as aforesaid, with all the other benefits, profits of trade, privileges and advantages whatsoever belonging to the said company before the making of this act; be it enacted by the authority aforesaid, That the said *South-Sea* company shall, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty three, continue to have, receive and enjoy, and be entitled to have, receive and enjoy, at the exchequer, in their own right, the residue of the said annuities or yearly funds, computed in the whole to one million six hundred fifty one thousand seven hundred and thirty pounds ten shillings and ten pence halfpenny *per annum*, till the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, and to amount afterwards to one million three hundred fifty two thousand ninety nine pounds six shillings and eleven pence halfpenny *per annum*, till redemption by parliament as aforesaid; which said residue, till the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, is computed at eight hundred and six thousand six hundred sixty eight pounds nine shillings and a penny farthing, as is before mentioned, and afterwards is to be computed after the rate of four pounds *per centum per annum*, till redemption as aforesaid, as the annuity or yearly fund to attend the said remaining moiety or half-part of the said capital stock, hereby intended to be continued in the said *South-Sea* company as aforesaid, till the redemption thereof by parliament as aforesaid; and shall also have, receive and enjoy, and be entitled by virtue of this act to have, receive and enjoy, the said whole sums of eight thousand pounds *per annum*, and one thousand three hundred ninety seven pounds nine shillings and six pence *per annum*, already settled for charges of management, and all other sums to be allowed for charges of management as aforesaid, during the continuance thereof; and shall be also entitled to hold, exercise and enjoy all the profits of trade, and other privileges and advantages belonging to the said company, before the making of this act; and that all and every the members and proprietors, having any share or shares on the said twenty fourth day of *June* one thousand seven hundred and twenty three, in the said remaining moiety or half-part of the said capital stock, to be continued in the said *South-Sea* company as aforesaid, his, her and their executors, administrators, successors and assigns respectively, shall have and be intitled to proportional shares of and in the said annuities or yearly funds attending the same, and also all benefits of trade and other benefits, and all dividends, profits and advantages whatsoever, belonging

South Sea
company, after
24 June 1723.
to receive the
residue of an-
nuities, &c. at
the exchequer
till 24 June
1727, &c.

and remaining in the said *South-Sea* company, and the said allowances made and to be made for charges of management.

Powers given
to the South-
Sea company,
&c.

XIII. And it is hereby further enacted by the authority aforesaid, That as well the said company, called the *South-Sea* company, and their general courts, their courts of directors and sub-committees, and all their officers and ministers whatsoever, for the time being, as also all the respective members of the same company, their executors, administrators, successors and assigns for the time being, in respect of the said remaining moiety or half-part of the said capital stock, to be continued in the said company as aforesaid, and in respect of the said residue of the said annuities or yearly funds attending the same moiety or half-part, and in respect of the said allowances made and to be made for charges of management, and in respect of all the several shares and interests of the said members and proprietors, of and in the same and every of them, and in respect of all dividends, profits and advantages belonging and remaining to the said *South-Sea* company, shall and may have, exercise and execute, and shall be entitled by force and virtue of this act, to have, exercise and execute all such and the like powers and authorities and capacities, and to have, receive and enjoy such and the like freedoms, immunities, exemptions from taxes and other exemptions and privileges, and such and the like benefits of trade, and other benefits, profits and advantages (other than in cases touching which other provisions or directions are hereafter made and given in and by this act) as the said *South-Sea* company, or their general courts, their courts of directors, sub-committees, their officers or ministers, or the members of the same company, their executors, administrators, successors or assigns respectively, might have exercised or executed, or might have had, received or enjoyed, if this act had not been made; subject nevertheless to such and the like restrictions, rules and directions, as they respectively were subject to before the making of this act; and all and every the powers, authorities, privileges, freedoms, immunities, exemptions, benefits of trade, and other benefits, profits and advantages, and all pains of death, penalties, forfeitures and disabilities, and all restrictions, rules and directions, and all clauses, constitutions, by-laws, matters and things whatsoever, which were enacted, or lawfully provided or established, in, by or pursuant to any act or acts of parliament, laws, statutes or provisions whatsoever, which were in force, at or until the time of the making of this act, for the better securing the whole capital stock of the said *South-Sea* company, or for securing and paying their whole annuities or yearly funds at the exchequer, by weekly or other payments, or for, touching or concerning the assigning or transferring the same, or any shares therein, or for payment of the said allowances for charges of management or for preventing or punishing the forging or counterfeiting any transfer or transfers, assignment or assignments, or any powers relating thereunto, or for securing the trade of the said *South-Sea* company, or for any matter or thing whatsoever relating to the said company,

or

or the members thereof, are and shall, by force and virtue of this act, be revived and continued, and be practised and put in execution, in respect of the said remaining moiety or half-part of the said capital stock, hereby intended to be continued, and in respect of the said residue of the annuities or yearly funds, hereby enacted to attend the same, and the allowances made and to be made for management as aforesaid, and in respect of the several shares and interests of the members of the same company for the time being, of and in the same moiety or half-part, and of and in the yearly funds, benefits, dividends, profits and advantages attending the same, as fully and effectually to all intents and purposes whatsoever, as if all and every the said powers, authorities, privileges, immunities, exemptions, benefits of trade, and other benefits, profits and advantages, restrictions, rules and directions were again repeated and particularly re-enacted in the body of this present act, other than and except in such cases, touching which other provisions or directions hereafter made and given in and by this act.

XIV. Provided always, and it is hereby enacted by the authority aforesaid, That if, at any time or times hereafter, any deficiency or deficiencies shall happen in the produce of all or any the several duties, revenues and incomes charged with the said joint stock of the *South-Sea* annuities, and attendant on the said remaining stock, and the said allowances for charges of management, to be continued to the said *South-Sea* company in their own right as aforesaid, then, and in every such case so happening, the said *South-Sea* company, upon account and in respect of the remaining stock and the allowances to be continued to them in their own right as aforesaid, shall, from time to time, bear one moiety or half-part of every such deficiency, until the same shall be provided for and made good by authority of parliament, and no more; any thing in this act, or any former law, statute or provision whatsoever to the contrary notwithstanding.

South-Sea company to bear a moiety of all deficiencies, &c.

XV. And be it further enacted by the authority aforesaid, That the said company, commonly called the *South-Sea* company, or any member thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act; nor shall the present governor, sub-governor, or deputy-governor, nor any of the present directors, be deemed to be disqualified to continue governor, sub-governor, deputy-governor or directors, after the separation or division of the said capital shall have taken place, for or by reason of their not having remaining in their own respective names or right, so much capital stock of the said company, as they before the making of this act were required to have for the qualification of such governor, sub-governor, deputy-governor or directors respectively, so as such governor, sub-governor, deputy-governor or director respectively, shall have and continue in his own name and right, so much of the said joint stock of *South-Sea* annuities, as, together with the *South-Sea* stock remaining in his own name and right, shall make up the sum in stock, which before the making

Not to incur disability for doing any thing in pursuance of this act, &c.

of

of this act was requisite for such respective qualification, according to the charter of the said company, or any by-laws made in pursuance thereof.

Upon repayment by parliament of the capital sum of 33,802,483l. 14s. one halfpenny, after 24 June 1727, to the company, &c. annuities out of the exchequer to cease, &c.

XVI. Provided always, and it is hereby enacted by the authority aforesaid, That at any time after the said feast of the nativity of Saint *John Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty seven, upon repayment by parliament to the said company, commonly called the *South-Sea* company, of the said whole principal or capital sum of thirty three millions eight hundred two thousand four hundred eighty three pounds fourteen shillings and one halfpenny, that is to say, The sum of sixteen millions nine hundred and one thousand two hundred forty one pounds seventeen shillings one farthing, being one moiety or half-part of the said whole principal or capital sum, for the use of such person and persons, body and bodies politick and corporate, as shall then be proprietors of the said joint stock of *South-Sea* annuities to be founded on this act, according to the shares and interest which they respectively shall then have therein; and the remaining sixteen millions nine hundred one thousand two hundred forty one pounds seventeen shillings and one farthing, being the other moiety or half part thereof, for the use and account of the said capital stock, remaining and to be continued to the company in their own right as aforesaid, and upon payment of all arrears which shall then be due for or upon the said annuities or yearly funds payable at the exchequer attending the same respectively as aforesaid, and upon payment of all arrears of the said yearly sums, allowed or to be allowed to the said company for their own use, for charges of management as aforesaid; (all which arrears, if any such be, shall be computed and paid to the quarterly feast-day then next preceding, and from thence shall be computed and paid by the day, till the time of such full payment made) then the said yearly annuities or funds payable at the exchequer to the said company in trust for the said *South-Sea* annuitants, and in their own rights respectively as aforesaid; as also the said yearly sums to be allowed for charges of management as aforesaid, and every of them shall from thenceforth cease and determine.

How annuities, &c. payable at the exchequer, &c. as shall bear proportion to monies paid in part of principal, shall cease.

XVII. *And in regard it is intended, that at any time or times after the said feast of the nativity of Saint John Baptist in the year of our Lord one thousand seven hundred and twenty seven, the principal or sum total of the said capital amounting to thirty three millions eight hundred two thousand four hundred eighty three pounds fourteen shillings and one halfpenny shall be satisfied to the said company, called the South-Sea company, by any payments not being less than five hundred thousand pounds at a time; and that as the same principal money shall be so paid off, such lesser payments shall, from time to time, be applied, either towards discharging the said principal sums which shall then belong to the said South-Sea company in their own right, or towards discharging the said principal sums of the said South-Sea annuities, or towards discharging, as well the said principal sums of the said company, as also of the said South-Sea annuities, in such proportions, manner and form as shall be prescribed by the respective act or*

acts of parliament for furnishing such lesser sums; and that, as the same principal monies shall be paid off, the respective annuities or yearly funds payable, to the said South-Sea company at the exchequer, in their own right or in trust as aforesaid, shall, from time to time, proportionally sink and be abated; be it therefore further provided and enacted by the authority aforesaid, That at any time or times after the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven, on repayment by parliament to the said South-Sea company, of any sum or sums of money, not being less than five hundred thousand pounds at a time; in part of the principal monies of the said capital stock of thirty three millions eight hundred two thousand four hundred eighty three pounds fourteen shillings and one halfpenny, to be applied according to such future act or acts of parliament as aforesaid, and upon payment of all arrears, which shall then be due, for or upon the same yearly annuities or funds, payable at the exchequer as aforesaid, or upon any part thereof, or so much of the said arrears as shall bear a proportion to the principal sums then remaining unsatisfied to the said annuitants and the said company in their own right respectively, and upon payment of all arrears then due of the said yearly allowances for management, for the sole use and account of the said company (all which said arrears, if any such be, shall be computed and paid to the quarterly feast-day then next preceding, and from thence shall be computed and paid by the day, till the time of such payment made in part as aforesaid) then from and after every such payment so made, so much of the said annuities or yearly funds payable at the exchequer, as shall bear proportion to the monies so paid in part of the principal, shall cease, determine and be abated; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

XVIII. Provided also, and it is hereby further enacted by the authority aforesaid, That from and after the redemption of the said capital or principal sums, amounting to thirty three millions eight hundred two thousand four hundred eighty three pounds fourteen shillings and one halfpenny, and the said several yearly funds or sums payable at the exchequer, according to the several and respective provisos and conditions of redemption in this act contained for that purpose, then, and not till then, so much of the several duties, revenues and incomes as are by this act applicable thereunto, during the continuance thereof, shall be understood to be redeemed by parliament, and shall not be issued or applied to any use or purpose without authority of parliament.

XIX. *And whereas by an act of parliament passed in the eighth year of his Majesty's reign, intituled, An act to enable the South-Sea company to dispose of the effects in their hands by way of lottery or subscription, or to sell part of their fund or annuity payable at the exchequer, in order to pay the debts of the said company, and for relief of such, who were intended to have the benefit of a late act, touching payment of ten per centum therein*

After redemption of capital, &c. the revenues applicable thereto shall be understood to be redeemed by parliament, &c.

8 Geo. I. c. 21, Provisions formerly made against requiring special bail, &c. continued.

mentioned; it was amongst other things enacted, That no special bail should be required in any action or suit, brought or to be brought upon any contract made or entered into, since the first day of December one thousand seven hundred and nineteen, and before the first day of December one thousand seven hundred and twenty, for or concerning the sale or purchase of any stock of the South-Sea company, or delivery of any interest or receipt in any subscription taken in by the corporation of the governor and company of merchants of Great Britain trading to the South-Seas and other parts in America, and for encouraging the fishery, or any other company or corporation, or pretended company or corporation whatsoever, until the first day of March which shall be in the year of our Lord one thousand seven hundred and twenty two: and whereas it is thought necessary, that the said provision made by the said act should be continued some time longer; be it therefore enacted by the authority aforesaid, That no special bail shall be required in any action or suit brought or to be brought upon any such contract, for any such stock or interest as aforesaid, until the first day of March one thousand seven hundred and twenty three.

C A P. VII.

An act for amending the laws relating to the settlement, employment and relief of the poor.

3 & 4 W. & M.
c. 11. s. 11.

WHEREAS by an act of parliament, made and passed in the third and fourth years of the reign of their late majesties King William and Queen Mary, it was provided, That in every parish a book or books should be kept, wherein the names of all persons, who did or might receive collections should be registred, with the time when they were first admitted to such relief, and the occasion which brought them under that necessity; and that no such person should be allowed to have or receive collection at the charge of the parish, but by authority, or under the hand of one justice of peace residing in such parish, or if none there dwelling, in the parts near or next adjoining, or by order of the justices at their quarter-sessions, except in case of pestilential diseases, plague or small-pox: and whereas under colour of the proviso in the said act, many persons have applied to some justices of peace, without the knowledge of any officers of the parish, and thereby, upon untrue suggestions, and sometimes upon false or frivolous pretences, have obtained relief, which hath greatly contributed to the increase of the parish-rates: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March which shall be in the year of our Lord one thousand seven hundred and twenty three, no justice of peace shall order relief to any poor person dwelling in any parish, until oath be made before such justice of peace matter which he shall judge to be a reasonable cause or ground for having such relief, and that the same person had by himself, herself or some other, applied for relief to the parishioners of the parish, at some vestry or other publick meeting

No poor to be relieved till oath made of a reasonable cause,

ing of the said parishioners, or to two of the overseers of the poor of such parish, and was by them refused to be relieved, and until such justice hath summoned two of the overseers of the poor to shew cause why such relief should not be given, and the person so summoned hath been heard or made default to appear before such justice; any thing in the said proviso, or any law to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That the person whom any such justices of peace shall think fit to order to be relieved, shall be entred in such book or books or longer than the cause continues. so to be kept by the parish, as one of those who is to receive collection, as long as the cause for such relief continues, and no longer; and that no officer of any parish shall (except upon sudden and emergent occasions) bring to the account of the parish any monies he shall give to any poor person of the same parish, who is not registred in such book or books to be kept by the said parish, as a person entitled to receive collection, on pain of forfeiting the sum of five pounds, to be levied by distress and sale, by warrant of any two or more justices of the peace of the same county, who shall have examined into and found him guilty of such offence; which said sum shall be applied to and for the use of the poor of the said parish, by direction of the said justice or justices of the peace.

III. And for the greater ease of justices of the peace, whom his Majesty or his successors hath or shall by commission authorize to act as a justice of the peace for any county of this realm; be it enacted by the authority aforesaid, That if any such justice of peace shall happen to dwell in any city, or other precinct that is a county of itself, situate within the county at large, for which he shall be appointed justice of peace, although not within the same county, it shall and may be lawful for any such justice of peace to grant warrants, take examinations, and make orders for any matters, which any one or more justice or justices of the peace may act in, at his own dwelling-house, altho' such dwelling-house be out of the county where he is authorized to act as a justice of peace, and in some city or other precinct adjoining, that is a county of itself; and that all such warrants, orders and other act or acts of any justice of peace, and the act or acts of any constable, tithingman, headborough, overseer of the poor, surveyor of the highways or other officer, in obedience to any such warrant or order, shall be as valid, good and effectual in the law, although it happen to be out of the limits of the proper precinct or authority: provided always, That nothing in this act contained shall extend to give power to the justices of peace for the counties at large, to hold their general quarter-sessions of the peace in the cities or towns which are counties of themselves, nor to empower justices of peace, sheriffs, bailiffs, constables, headboroughs, tithingmen, borsholders or any other peace-officers of the counties at large, to act or intermeddle in any matters or things arising within the cities or towns which are counties of themselves, but that all such actings and doings shall be of

of the same force and effect in law, and none other, as if this act had never been made.

Churchward-
en's &c. may
purchase, &c.
houses to lodge
or employ the
poor in.

IV. And for the greater ease of parishes in the relief of the poor, be it further enacted by the authority aforesaid, That it shall and may be lawful for the churchwardens and overseers of the poor in any parish, town, township or place, with the consent of the major part of the parishioners or inhabitants of the same parish, town, township or place, in vestry, or other parish or publick meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to purchase or hire any house or houses in the same parish, township or place, and to contract with any person or persons for the lodging, keeping, maintaining and employing any or all such poor in their respective parishes, townships or places, as shall desire to receive relief or collection from the same parish, and there to keep, maintain and employ all such poor persons, and take the benefit of the work, labour and service of any such poor person or persons, who shall be kept or maintained in any such house or houses, for the better maintenance and relief of such poor person or persons, who shall be there kept or maintained; and in case any poor person or persons of any parish, town, township or place, where such house or houses shall be so purchased or hired, shall refuse to be lodged, kept or maintained in such house or houses, such poor person or persons so refusing shall be put out of the book or books where the names of the persons, who ought to receive collection in the said parish, town, township or place, are to be registred, and shall not be entitled to ask or receive collection or relief from the churchwardens and overseers of the poor of the same parish, town or township; and where any parish, town or township shall be too small to purchase or hire such house or houses for the poor of their own parish only, it shall and may be lawful for two or more such parishes, towns or townships or places, with the consent of the major part of the parishioners or inhabitants of their respective parishes, town, township or places, in vestry or other parish or publick meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, and with the approbation of any justice of peace dwelling in or near any such parish, town or place, signified under his hand and seal, to unite in purchasing, hiring, or taking such house, for the lodging, keeping and maintaining of the poor of the several parishes, townships or places so uniting, and there to keep, maintain and employ the poor of the respective parishes so uniting, and to take and have the benefit of the work, labour or service of any poor there kept and maintained, for the better maintenance and relief of the poor there kept, maintained and employed; and that if any poor person or persons in the respective parishes, townships or places so uniting, shall refuse to be lodged, kept and maintained in the house, hired or taken for such uniting parishes, townships or places, he, she or they so refusing, shall be put out of the collection-book, where his, her or their names were registred, and shall not be entitled to ask or demand relief or collection from the church-

Poor refusing
to be lodged,
&c. are not in-
titled to relief.

One parish, &c.
being too small
for such pur-
chase, two may
unite, &c.

wardens and overseers of the poor in their respective parishes, townships or places; and that it shall and may be lawful for the churchwardens and overseers of the poor of any parish, township or place, with the consent of the major part of the parishioners or inhabitants of the said parish, township or place where such house or houses is, are, or shall be purchased or hired for the purposes aforesaid, in vestry, or other parish or publick meeting, for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to contract with the church-wardens and overseers of the poor of any other parish, township or place, for the lodging, maintaining or employing, of any poor person or persons of such other parish, township or place, as to them shall seem meet; and in case any poor person or persons of such other parish, township or place, shall refuse to be lodged, maintained and employed in such house or houses, he, she or they so refusing, shall be put out of the collection-book of such other parish, township or place, where his, her or their names were registered, and shall not be entitled to ask, demand or receive any relief or collection from the church-wardens and overseers of the poor of his, her or their respective parish, township or place: provided always, That no poor person or persons, his, her or their apprentice, child or children, shall acquire a settlement in the parish, town or place, to which he, she or they are removed by virtue of this act, but that his, her or their settlement, shall be and remain in such parish, town or place, as it was before such removal; any thing in this act to the contrary notwithstanding.

Churchwardens, &c. of one parish may contract with those of another, &c.

Settlement to be as before removal.

V. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *March* which shall be in the year of our Lord one thousand seven hundred and twenty three, no person or persons shall be deemed, adjudged or taken, to acquire or gain any settlement in any parish or place, for or by virtue of any purchase of any estate or interest in such parish or place, whereof the consideration for such purchase doth not amount to the sum of thirty pounds, *bona fide* paid, for any longer or further time than such person or persons shall inhabit in such estate, and shall then be liable to be removed to such parish or place, where such person or persons were last legally settled, before the said purchase and inhabitancy therein.

Settlement, how to be acquired by purchase.

VI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever, who from and after the twenty fifth day of *March* in the year of our Lord one thousand seven hundred and twenty three, shall be taxed, rated or assessed to the scavenger or repairs of the highway, and shall duly pay the same, shall be deemed or taken to have any legal settlement in any city, parish, town or hamlet, for or by reason of his, her or their paying to such scavenger's rate or repairs of the highway as aforesaid; any law to the contrary in any wise notwithstanding.

Paying taxes to the scavenger, gains no settlement.

VII. *And whereas there was a clause in the statute made in the eighth and ninth years of his late majesty King William the Third, 8 & 9 W. 3. intituled, An act for the supplying some defects in the law for the*

c. 30.

Justice of St. Peter and Hundred of Nassaborough in Northamptonshire may determine appeals.

relief of the poor of this kingdom, *whereby it was enacted, That after the first day of May one thousand six hundred ninety seven, all appeals against any order for the removing of any poor persons, should be heard at the quarter-sessions of the county or division, wherein the parish or place, from whence such person should be removed, doth lie, and not elsewhere, except the liberty of Saint Albans;* be it enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, within the liberty of the borough of Saint Peter and hundred of Nassaborough in the county of Northampton, to hear and determine all appeals to them made, against any order made for removal of any poor person, in their quarter-sessions, as they might have done before the making of the said last mentioned act; any thing therein or in this present act contained to the contrary thereof in any wise notwithstanding.

Reasonable notice is to be given of appeals.

VIII. *And whereas several disputes and controversies have arisen and been concerning the time of notice to be given of appeals from orders of removals of poor persons,* to prevent the same, as much as may be for the future, be it enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and twenty three, no appeal or appeals from any order or orders of removal of any poor person or persons whatsoever from any parish or place to another, shall be proceeded upon in any court or quarter-sessions, unless reasonable notice be given by the church-wardens or overseers of the poor of such parish or place, who shall make such appeal, unto the church-wardens or overseers of the poor of such parish or place, from which such poor person or persons shall be removed, the reasonableness of which notice shall be determined by the justices of the peace at the quarter-sessions, to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter-sessions, and then and there finally hear and determine the same.

Justices, how to relieve the appellant on undue removals.

IX. And for the preventing vexatious removals, be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June in the year of our Lord one thousand seven hundred and twenty three, if the justices of the peace shall, at their quarter-sessions, upon an appeal before them there had concerning the settlement of any poor person, determine in favour of the appellant, that such poor person or persons was or were unduly removed, that then the said justices shall, at the same quarter-sessions, order and award to such appellant so much money, as shall appear to the said justices to have been reasonably paid by the parish, or other place, on whose behalf such appeal was made for or towards the relief of such poor person or persons, between the time of such undue removal, and the determination of such appeal; the said money so awarded to be recovered in the same manner, as costs and charges upon an appeal are prescribed to be recovered by the said statute made in the ninth year of his late majesty King William the Third, intitled,

titled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom.* 8 & 9 W. 3. c. 30.

C A P. VIII.

An act for continuing some laws, and reviving others therein mentioned, for exempting apothecaries from serving parish and ward offices, and upon juries; and relating to jurors; and to the payment of seamens wages, and the preservation of naval stores, and stores of war; and concerning the militia and trophy-money; and against clandestine running of uncustomed goods, and for more effectual preventing frauds relating to the customs, and frauds in mixing silk with stuffs to be exported.

WHEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring or expired; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament, assembled, and by the authority of the same, That an act made in the sixth and seventh years of the reign of his late majesty King William the Third, intituled, *An act for exempting apothecaries from serving the offices of constable, scavenger, and other parish and ward offices, and from serving upon juries*, which act by subsequent acts is continued, and being temporary, and near expired, shall be, and is hereby made perpetual. 6 & 7 W. 3. c. 4.

II. And whereas in an act made in the fourth and fifth years of the reign of their late majesties King William and Queen Mary, intituled, *An act for reviving, continuing and explaining, several laws therein mentioned, which are expired and near expiring, there are several good clauses and provisions relating to jurors, which were made temporary, and were afterwards continued by subsequent acts; and the said clauses and provisions, as well as several other clauses and provisions, relating to the returns and service of jurors, made in an act of the third and fourth years of the reign of her late majesty Queen Anne (For making perpetual an act for more easy recovery of small tithes, and for other purposes therein mentioned,) are further continued by an act of the tenth year of the reign of her said late Majesty (For reviving and continuing several acts therein mentioned) but being near expiring, be it enacted by the authority aforesaid, That all the said clauses and provisions relating to jurors, and to the returns and service of jurors, shall be and are hereby continued, and shall be in force from the expiration thereof, for and during the space of seven years, and from thence to the end of the next session of parliament. 4 & 5 W. & M. 2. c. 24. 3 & 4 Ann. c. 18. 10 Ann. c. 14. See 3 Geo. 2. c. 25. 6 Geo. 2. c. 37.*

III. And be it enacted by the authority aforesaid, That an act made in the first year of his present Majesty's reign, intituled, *An act to prevent disturbances by seamen and others, and to preserve the stores belonging to his Majesty's navy royal, and also for explaining* 1 Geo. 1. stat. 2. c. 25.

9 & 10 W. 3.
c. 41.

ing an act for the better preventing the imbezilment of his Majesty's stores of war, and preventing cheats, frauds and abuses in paying seamens wages, and for reviving and continuing an act for the more effectual suppression of piracy, as to so much thereof as is expired, shall be, and is hereby revived from the five and twentieth day of March one thousand seven hundred and twenty three, and made perpetual: and whereas by an act made in the ninth and tenth years of the reign of his late majesty King William the Third, intituled, An act for the better preventing the imbezilment of his Majesty's stores of war, and preventing cheats, frauds and abuses in paying seamens wages, a penalty of two hundred pounds, with costs of prosecution and pain of imprisonment, is inflicted upon persons having in their custody, possession or keeping, or concealing contrary to the said act, any warlike, naval or ordnance stores therein mentioned, or any other stores marked with the broad arrow, by stamp, brand, or otherwise: and whereas it is necessary to give power to mitigate the said penalties, and to explain and amend the said act, be it enacted by the authority aforesaid, That if any person or persons shall, after the five and twentieth day of March onet housand seven hundred and twenty three, be lawfully convicted of having in his, her or their custody, any timber, thick stuff or plank, marked with the broad arrow, by stamp, brand, or otherwise, or of concealing any timber, thick stuff or plank so marked, every such person so offending shall suffer, forfeit and pay, as for having, keeping or concealing any other warlike, naval or ordnance stores contrary to the said act.

IV. Provided always, and it is hereby further enacted, That it shall and may be lawful to and for any judge, justice or justices, before whom any offender or offenders shall be convicted of any of the crimes or offences before recited, enacted or mentioned in this act, to mitigate the penalty for the same, as he or they shall see cause, and to commit the offender or offenders so convicted, to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize, until payment be made of the penalty and forfeiture imposed by this or the said former act, or mitigated as aforesaid, or to punish such offender or offenders corporally, by causing him, her or them to be publicly whipped, or committed to some publick workhouse, there to be kept to hard labour, for the space of six months, or a less time, as to such judge, justice or justices, in his or their discretion shall seem meet; any thing in the said recited act, or in any other act to the contrary notwithstanding.

V. And be it further enacted, That where any dispute shall arise between the persons, upon whose informations or oaths, any person or persons offending in the premises, or against the said former act, shall be prosecuted and convicted, touching any right or title to any of the forfeitures or penalties before-mentioned, or any part thereof, the judge, justice or justices, before whom such offender or offenders shall be convicted, shall examine the matter, and finally determine the same.

VI. And

VI. And be it further enacted by the authority aforesaid, That an act made in the first year of his present Majesty's reign, intituled, *An act for making the militia of that part of Great Britain called England, more useful; and for obliging an annual account to be made of trophy-money, which is expired; shall be and is hereby revived, and shall be in force from the five and twentieth day of March one thousand seven hundred and twenty three, for and during the space of seven years, and from thence to the end of the then next session of parliament.* EXP.

VII. *And whereas the muskets for foot soldiers in the militia, are by the said recited act prescribed to be five foot long in the barrel, and the gauge of the bore for bullets of twelve to the pound, but more convenient muskets may in many places be provided:* be it enacted, That it shall and may be lawful for the several lieutenants, and their deputies, in that part of *Great Britain called England,* to appoint the length and size of muskets for foot soldiers in the militia; and in case of such appointment, the muskets so to be appointed, shall be provided, instead of those before-mentioned, with such other arms and accoutrements, as are directed by the said act, under the penalties therein mentioned; any thing in the said act, or any former act to the contrary notwithstanding.

VIII. *And whereas by an act made in the fifth year of his present Majesty's reign, intituled, An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs, several clauses therein mentioned, were to have continuance for the term of three years, from the several times of commencement thereof, and from thence to the end of the then next session of parliament respectively, which are near expiring, and it hath been found by experience, that several of the said clauses are necessary to be continued, to prevent frauds, which might otherwise be practised to the prejudice of the revenue and fair trade:* be it enacted by the authority aforesaid, That so much of the said act as relates to such foreign goods, wares and merchandizes, as shall be taken in at sea out of any ship or vessel, in order to be landed or put into any other ship, vessel or boat; and so much of the said act as relates to goods not reported, and found after clearing ships, and so much of the said act as provides further remedies against relanding goods prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas, and so much of the said act as relates to the opening or altering the package of goods on board ships outward-bound, and so much of the said act as relates to hovering ships or vessels of the burthen of fifty tuns, or under, and so much of the said act as concerns the bales or package in which coffee shall be exported, as was to continue in force for three years, from the twenty fifth day of *March* one thousand seven hundred and nineteen, and to the end of the then next session of parliament, and so much of the said act as relates to rum imported in casks or vessels, not containing twenty gallons at the least, which was to continue in force for three years, from the twenty ninth day of *September* one thousand seven hundred and nineteen, and to the

Sect. 5.

Farther continued by 20 Geo. 2. c. 47.

end of the then next session of parliament, and so much of the said act as relates to certificate-goods entred in order to be exported to *Ireland*, which was to continue in force for three years, from the first day of *May* one thousand seven hundred and nineteen, and to the end of the then next session of parliament, shall be continued and be in force, and put in practice for the purposes therein mentioned, from and after the expiration of the several and respective terms before-mentioned, for and during the space of five years, and from thence to the end of the then next session of parliament. See 2 Geo. 2. c. 28.

8 Geo. 1. c. 25. sect. 3.

These two last sections are continued to 24 March 1758. by 26 Geo. 2. c. 32. sect. 4.

This clause is enforced by 11 Geo. 1. c. 29. sect. 3. See 1 Geo. 2. stat. 2. c. 17. sect. 10.

This clause is enforced by 11 Geo. 1. c. 29. sect. 3.

IX. *And whereas in and by an act of parliament made in the eighth year of his present Majesty (for encouragement of the silk manufactures of this kingdom, and for other purposes therein mentioned) certain allowances or sums of money are to be paid to the exporters of stuffs made in Great Britain, or silks and gregram yarn, and also of silk stuffs made in Great Britain, mixed with inle, cotton or worsted, as in the said act expressed: and whereas it is by the said act provided, that no allowance shall be demanded or made for such of the said manufactures mixed with silk, when they are only mixed at the edges or ends of the piece, which is found by experience, not sufficient to prevent frauds and abuses in making those manufactures, by mixing silk, not with any design to advantage the sale of the goods, but with an intention to obtain the bounty or allowance on the exportation, contrary to the true intent and meaning of the said act: to remedy which abuses, be it enacted by the authority aforesaid, That the said act, or any thing therein contained, shall not extend or be construed to extend to the making any allowance on the exportation of any the manufactures aforesaid, mixt with silk, except such, wherein at least two third parts of the ends or threads of the warp (by which is meant the length of the piece) be either all silk, or else mixed or twisted with silk in the warp; any thing in the said act to the contrary notwithstanding.*

X. *And be it further enacted by the authority aforesaid, That if any person or persons shall be found to enter or ship any of the goods afore-mentioned, which are not mixed with the quantity of silk as is before-mentioned, such person or persons shall not only forfeit the goods so entred or shipped, but shall likewise be prosecuted for double the value thereof; such seizure and penalty to be prosecuted, determined and divided in such manner, as other seizures or penalties are in and by the said act directed and appointed.*

CAP. IX.

An act for the better qualifying the manufacturers of stuffs and yarn in the city of Norwich, and liberties thereof, to bear offices of magistracy in the said city, and for regulating elections of such officers.

WHEREAS anciently the chief manufactures in the city of Norwich and county of the same, were russels, sattens, sattens reverses and fustians, and the makers thereof were, by an act made

made in the first and second years of the reign of King Philip and ^{1 & 2 Phil. & M.} Queen Mary, obliged to become freemen of the said city, upon pain ^{c. 14.} of forfeiture of their manufactures, contrary to the said act; by means whereof there was a constant supply of able magistrates, and great good did accrue to the said city in many respects; but the said manufactures have been, for several years past, disused, and others introduced in their stead, the good designs of the said act for the publick utility of the said city, are wholly lost, and the offices of magistracy there often fall to persons who are not the chief manufacturers, or the most substantial inhabitants; and frequent disorders happen in their elections, occasioning great riots and tumults: for remedy of which mischiefs and inconveniencies, and preventing the like for the future; may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all persons who now are, or hereafter shall be manufacturers or makers of any sort of stuffs made of wool, or wherein there is any mixture of wool, and all makers of wool into yarn, who are not journeymen or servants for hire, master weavers and master wool-combers, and persons dealing or trading as such, or employing servants or journeymen in any such manufactures, or having any interest, stock, share or partnership in any such manufactures, inhabiting or living in the said city of *Norwich* or county of the same, shall be made free of the said city and admitted freemen thereof, as is herein after mentioned, (that is to say) all persons inhabiting or living in the said city or county of the same as aforesaid, now being such manufacturers or makers of stuffs, or makers of wool into yarn, master weavers, or master wool-combers, or dealers, or traders as such, or employing servants or workmen in any such manufactures, or having any interest, stock, share or partnership therein as aforesaid, shall, upon their request to be made at any court of mayoralty, or assembly of the mayor, sheriffs, citizens and commonalty to be holden for the said city, on or before the twenty fourth day of *June* one thousand seven hundred and twenty three, be admitted and made free of the said city, paying only one and twenty shillings for such admission and freedom; and all persons, who hereafter shall be such manufacturers in manner as aforesaid, and living or inhabiting as aforesaid, being foreigners, shall, upon their request, to be made at any assembly of the said corporation to be holden for the said city, be admitted and made free of the said city, paying a sum not exceeding five pounds for such admission and freedom, and all persons to be admitted or made free as aforesaid, shall, at the time of admission, take the usual oaths, or, being *Quakers*, shall take the solemn affirmation to the effect thereof.

Manufacturers of stuffs to be made freemen.

II. And be it enacted by the authority aforesaid, That if any person (servants and apprentices during their service excepted) who now is or hereafter shall be any such manufacturer, dealer

Dealers herein
not being free,
what to forfeit.

or trader, or otherwise concerned or interested in any of the said manufactures as aforesaid, shall, after the twenty fourth day of *June* one thousand seven hundred and twenty three, presume to use or exercise any of the said manufactures, or be concerned or interested therein in manner aforesaid, not being admitted and made free as aforesaid, every person so offending being lawfully convicted upon a prosecution to be commenced within six months after the fact committed, shall forfeit the sum of ten pounds for every kalendar month, such person shall so unlawfully use or exercise any of the said manufactures, or be concerned or interested therein as aforesaid, contrary to this act, next after the third quarterly assembly of the said corporation, which shall be held for the said city; the said sum of ten pounds to be recovered by action of debt, bill, plaint or information, to be brought by the chamberlain of the said city for the use of the mayor, sheriffs, citizens and commonalty of the said city, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection or wager of law shall be allowed, nor more than one imparlance.

By 3 Geo. 2.
c. 8. s. 2. another oath is appointed in lieu hereof.

Who to be excused the office of sheriff.

III. And for better qualifying persons to bear offices of magistracy in the said city, and for regulating such elections, and preventing false and fictitious polling therein, be it enacted by the authority aforesaid, That if any person, elected to be sheriff of the said city and county thereof, at any court of mayoralty to be holden in any year, between the twenty fourth day of *June* and the tenth day of *August* following, shall within fourteen days after notice in writing given to him of such election, make oath, or being a *Quaker*, take his solemn affirmation, that he is not at that time worth two thousand pounds in the world, his debts being paid, which oath or affirmation the mayor of the said city for the time being, or any of his Majesty's justices of the peace, are hereby authorized to administer, such oath or affirmation being made at, or transmitted to some court of mayoralty of the said city, to be holden within fourteen days after such notice, every such person shall for that time or turn be excused the said office of sheriff *gratis*; and that fifty pounds, and no more, shall be paid as a fine, by any person so elected, for not serving the office of sheriff of the said city and county thereof, if such person shall make or transmit as aforesaid, within the time aforesaid, his oath, or being a *Quaker*, his solemn affirmation, that he is not at that time worth three thousand pounds in the world, his debts being paid; and that eighty pounds, and no more, shall be paid as a fine, by any person of greater estate so elected, for not serving the office of sheriff of the said city and county.

In what manner, and for what time, persons may be discharged from bearing the said office.

IV. Provided always, That no person, worth two thousand pounds and upwards, shall be discharged from bearing the said office of sheriff by the court of mayoralty, for any longer time than one year, without the consent of the mayor, sheriffs, citizens and commonalty, in common council assembled; and that no person after the first day of *May* one thousand seven hundred and twenty three, shall in any year be excused or discharged

ed from bearing the said office of sheriff, unless such person shall have been first elected to such office, and have notice thereof as usual, between the twenty fourth day of *June* and the tenth day of *August* ensuing.

V. And be it enacted by the authority aforesaid, That upon every election to be made in time to come, of any mayor, sheriff, alderman or common council-man, in or for the said city of *Norwich*, the mayor or other officer or officers presiding at such election, in case a poll be demanded by any of the candidates, or any three or more of the electors, shall cause a regular poll to be taken of the voters, and shall appoint a convenient number of clerks to take the same, which clerks shall take the said poll in the presence of such mayor, or other presiding officer or officers, or such as he or they, according to the charters and usages of the said city, shall depute; and before they begin to take the said poll, every clerk so appointed, shall, by the said mayor or other presiding officer or officers, be sworn truly and indifferently to take the same poll, and to set down the name of each voter, with his addition and place of abode, and for whom he shall poll, and to poll no elector who is not sworn according to the direction of this act; and every person before he is admitted to poll at the same election, shall first take the oath herein after mentioned, or, being a *Quaker*, shall solemnly affirm the effect thereof, *viz.*

What to be done on election of mayor, &c. in case a poll be demanded.

YOU shall swear, or being a *Quaker*, you shall solemnly affirm, that you are a freeman of the city of *Norwich*; or in case of an election for an alderman or common council-man, That you are an inhabitant in the ward, for which such election is made, and have not been polled at this election.

Which oath or affirmation the said mayor, or other presiding officer or officers, or his or their deputy or deputies, or such sworn clerks by him or them appointed to take the said poll as aforesaid, is and are hereby authorized to administer; and at every such election upon closing the poll, the number of voters in each poll shall be publickly proclaimed; and if a scrutiny of any such poll shall, within four and twenty hours after closing the same, or proclamation made thereof as aforesaid, be demanded by or on behalf of any candidate, or by any three or more of the electors voting at such election, such scrutiny shall be proceeded in with effect; and in order thereto the mayor, or other officer or officers presiding at such election, shall, within seven days after demand thereof, deliver to the person or persons requiring such scrutiny, or some of them, a true copy of the poll taken at such election, paying only reasonably for writing the same, not exceeding the rate of six pence for the names and additions of twenty voters; and such scrutiny shall begin within twelve days, and not in less than ten days next after closing or finishing the poll, and shall be publickly proceeded in at the

place of election, or as near as conveniently may be, without any unnecessary delay.

Mayors, &c.
refusing to de-
liver copies of
polls, forfeit
500*l.*

VI. And be it further enacted, That every mayor, or other officer or officers presiding at any such election, refusing to deliver copies of the polls, being demanded as aforesaid, or wilfully offending in the premises, shall for every wilful offence contrary to this act, forfeit the sum of five hundred pounds, to the party or parties aggrieved, together with costs of suit, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, to be brought or commenced within six months after the offence committed; and in any such action or suit, no essoin, protection, wager of law, privilege or imparlance shall be admitted or allowed.

On death, &c.
of an alderman
a new one is to
be chosen
within five
days.

VII. *And whereas it hath sometimes happened, that upon the death of an alderman of the said city, the election of another in his place hath been deferred for a long time, to the great prejudice of the inhabitants of the said city;* be it further enacted, That from and after the twenty fifth day of *March* one thousand seven hundred and twenty three, upon the death or removal of any alderman of the said city; the mayor, or his deputy appointed by him, shall within the space of five days at the longest, and not sooner than two days after such death or removal shall happen (and the said mayor or his deputy have notice thereof) proceed to the election of a new alderman, giving first to the freemen of the ward, for which the election is to be made, twenty four hours notice at least, before such election shall begin: provided that nothing in this act contained shall extend, or be construed to extend, to the limits of the palace of the bishop of *Norwich*, or the precincts of the cathedral church of *Norwich*.

This a pub-
lick act.

VIII. And be it enacted, That this act shall in all courts and places be deemed and taken to be a publick act, and all judges, justices and others, are to take notice thereof as such, without specially pleading the same.

C A P. X.

An act for clearing, deptbning, repairing, extending, maintaining and improving the haven and piers of Great Yarmouth, and for deptbning and making more navigable the several rivers emptying themselves at the said town; and also for preserving ships wintering in the said haven, from accidents by fire.

WHEREAS the ancient borough of Great Yarmouth in the county of Norfolk, bordering upon the sea, hath by long experience been found to be of great importance, for advancing his Majesty's service and revenue, trade in general, more especially the fishery, and for breeding and employing many thousands of skilful mariners and seamen: and whereas the haven and piers belonging to the said borough, have been, and still continue obstructed by sands thrown up by the sea in such sort, as the benefit accruing thereby must be wholly lost, if not timely prevented and preserved by clearing, repair-
ing

ing and maintaining the same, the great and unavoidable charge whereof being insupportable by the inhabitants of the said borough, they the said inhabitants, from time to time, have been aided and relieved by several successive acts of parliament: and whereas the powers and authorities of the last act, made and ordained for and concerning the said haven and piers in the tenth and eleventh years of the reign of the late King William the Third (of glorious memory) are determined and expired, and, unless renewed and continued, the great sums of money already expended and laid out in and about the said haven and piers, pursuant to the said several acts of parliament, will prove useless and ineffectual, and the said haven and piers must inevitably fall soon into irreparable decay, and the harbour, so beneficial, become inaccessible, to the great detriment of his Majesty and his kingdoms, trade in general, utter ruin and impoverishment of the said inhabitants and adjacent counties: for preventing whereof, and to the end the said haven and piers, and the jetties on the North-side thereof may be cleared, deepened, repaired, extended, maintained and improved, and the channel of that part of the river Yare, leading from Great Yarmouth to Norwich aforesaid, called Braydon, and so much of the said river Yare as lies between the new mills in Norwich and Hardly-Crofs in Hardley, in the county of Norfolk; and also the rivers Waveney and Bure, commonly called the North river, which empty themselves at the said town of Yarmouth, be deepened and made more navigable for boats and keels usually passing the same, and timber and other materials for that purpose provided and furnished, from time to time, as occasion shall require; be it enacted, &c.

10 & 11 W. 3.
c. 5.

From the 25th of March 1723, for twenty three years, and to the end of the next session of parliament, there shall be paid by every master of any ship unloading within the haven of Great Yarmouth or in Yarmouth-Road, from the South part of Scratby in Norfolk to the North part of Corton in Suffolk, for every chalders of coals, Winchester measure, last of wheat, rye, barley, malt or other grain, and for every weigh of salt, and for every tun of other goods, (fish excepted) such sums of money, not exceeding twelve pence, as the mayor, aldermen, burgeses and commonalty of the borough of Great Yarmouth in common council shall appoint, viz. 6 d. for clearing and improving the haven, piers and jetties; one penny halfpenny to the chamberlain of Norwich for clearing and deepning the channel of the river Yare, between the new mills in Norwich and Hardly-Crofs; one halfpenny to persons yearly named by the quarter-sessions at the castle at Norwich, for clearing and deepning the North-River; one halfpenny to persons yearly named at the quarter-sessions at Beccles, for clearing and deepning the river Waveney; one halfpenny unto such as the mayor, &c. of Yarmouth, in common council shall appoint, for repairing the bridge and the keys; and three pence for clearing and deepning the channel of the river Yare, called Braydon. Twelve commissioners appointed to inspect accounts, &c. Fish oil, &c. exempt from payment of duty.

E X P.

C A P. XI.

An act for repairing and widening the road leading from the black bull in Dunstable in the county of Bedford, to the way turning out of the said road up to Shafford-house in the county of Hertford.

The toll granted by this act is to have continuance from 1 June 1723, for 8 years by 21 years. Farther continued by 24 Geo. 2. c. 10. P. R. 19 Geo. 2. c. 24

C A P.

C A P. XII.

An act for the more easy assigning or transferring certain redeemable annuities, payable at the exchequer, by endorsements on the standing orders for the same.

6 Geo. 1. c. 11. **W**HEREAS in and by an act of parliament of the sixth year of his present Majesty's reign, (for laying a duty on wrought plate, and other purposes therein mentioned) amongst other things it was enacted, That the contributors for the purchase of the annuities thereby directed to be sold, should upon payment of their whole purchase-money, have orders for the payment of their said annuities, until redemption thereof by parliament: and whereas by another act of parliament of the said sixth year of his present Majesty's reign, intituled, An act for appointing commissioners to examine, state and determine the debts due to the army, and to examine and state the demands of several foreign princes and states, for subsidies during the late war; and also in and by another act of parliament of the seventh year of his said Majesty's reign, intituled, An act for appointing commissioners to examine, state and determine the debts due to the army, amongst other things it was enacted, That the commissioners of his Majesty's treasury should be impowered to issue standing orders for paying at the receipt of the exchequer, the annuities for the principal sums contained in the debentures by the said two last mentioned acts respectively directed to be made forth: and whereas by another act of parliament of the eighth year of his present Majesty's reign (for paying off and cancelling one million of exchequer-bills, and other purposes therein mentioned) amongst other things it was enacted, That the commissioners of his Majesty's treasury should be impowered to issue standing orders for paying at the receipt of exchequer, the annuities for the principal sums contained in the debentures therein recited to have been made forth for the sufferers at Nevis and Saint Christophers; and by the said several acts it was enacted, That the said several annuities should be deemed to be personal estates, and the respective proprietors thereof should have power to assign or devise his or their estate of and in any such annuity, or any part thereof, and so toties quoties; and that no such assignment should be revocable, so as an entry or memorandum of such assignment or will should be made in books kept for that purpose in the office of the auditor of the receipt of exchequer, within three months after such assignment or death of the deviser; and that upon producing such assignment or will, or probate thereof, in the said office of receipt to be entered as aforesaid, the party so producing the same, should bring therewith an affidavit, taken before one of his Majesty's justices of the peace, of the due execution of the said assignment or will; which affidavits should be severally filed in the said office, as by the said acts of parliament (relation to them respectively being had) more fully may appear: and whereas the method prescribed by the said acts for assigning the said annuities, and producing therewith affidavits taken before one of his Majesty's justices of the peace, of the due execution of such assignments, is found to be chargeable, troublesome and inconvenient to the propri-

etors thereof; and 'tis doubted whether assignments by endorsements on such orders are good and available in law; which has occasioned large discounts thereon, to the prejudice of publick credit: for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the respective proprietors of the said standing orders, made forth or to be made forth, in pursuance of the said acts, or any or either of them, shall or may from time to time, by proper words of assignment to be endorsed on his, her or their order, assign or transfer his, her or their right, title, interest and benefit of such order or orders to any other person or persons; which being notified in the office of auditor of receipt aforesaid, the officers there shall, without producing such affidavit as aforesaid, cause an entry or memorial thereof to be made in the book of registry for such orders, without fee or charge; and after such entry made, such assignment shall entitle such assignee, his, her or their executors, administrators, successors or assigns to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, who have or hath made such assignments, to make void, release or discharge the same, or any monies thereby due, or any part thereof; any thing in the said former acts, or any or either of them to the contrary notwithstanding.

Assignments may be made by indorsement on the order.

II. *And for as much as it may happen, That several of the said orders, which at first were made out for small sums, may in time come into the hands of one and the same person, who may be willing and desirous to have several of the said orders for small sums exchanged for, and turned into one or more order or orders for larger sums, which may be an ease and convenience, not only to the owners of such orders for small sums, but also to the officers of the exchequer, in the payment thereof;* be it therefore enacted by the authority aforesaid, That any three or more of the commissioners of the treasury now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, may (if he or they shall so think fit) direct the turning several orders for small sums of five hundred pounds principal money a-piece, or under, into one or more order or orders for larger sums, and may cause to be made forth and signed new standing orders accordingly, for and in lieu of such orders for small sums; in which case the said former orders for small sums, so to be turned into an order or orders for larger sums, shall be delivered up and cancelled; and the said new order or orders, to be made out in lieu thereof, shall be made payable to the person or persons, who shall appear to be the proprietor or proprietors of the said orders for small sums so delivered up and cancelled at the time of such delivery up as aforesaid: and the said auditor of the receipt aforesaid shall constantly take care, on the making out of such new orders, not to mix any order or orders made out in pursuance of any one of the said acts of parliament, with any order or orders made out in pursuance of any other of the said acts of parliament, to prevent

Orders for small sums may be turned into orders for greater.

any

any confusion in the accounts to be kept thereof; and that such entries and memorandums be made upon the said new orders, as may denote their being made out in lieu of such orders for small sums delivered up and cancelled, and as may secure the publick against any double payment, for or by reason of the making out or issuing such new orders in manner aforesaid.

III. *And whereas it may so happen in process of time, that several of the said standing orders may become defaced, obliterated or incumbered with many assignments endorsed thereon, and by reason thereof, or some other defects therein, it may become necessary that the said defaced, obliterated, incumbered or otherwise defective orders should be taken in and cancelled, and new orders made forth and delivered to the owners and proprietors of the orders so to be cancelled in lieu thereof;* be it therefore enacted by the authority aforesaid, That in all or any of the said cases any three or more of the commissioners of the treasury now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, may (if he or they shall so think fit) from time to time cause to be made forth new standing orders for and in lieu of such defaced, obliterated, incumbered or otherwise defective orders, so as such defaced, obliterated, incumbered or otherwise defective order or orders be at the same time delivered up and cancelled, and the new order or orders to be made out in lieu thereof, be made payable to the person or persons who shall appear to be the proprietor or proprietors of the said order or orders so delivered up and cancelled at the time of such delivery up as aforesaid; and the auditor of the receipt aforesaid shall always take care, that such entries or memorandums be made upon the said new orders, as may denote their being made out in lieu of such defaced, obliterated, incumbered or otherwise defective orders cancelled, and as may secure the publick against any double payment, for or by reason of the making out or issuing such new orders in manner aforesaid.

New orders
may be made
out in lieu of
such as are
defaced, &c.

IV. And for the preventing all frauds and abuses in or about the said standing orders, or any assignments thereof, or the receiving the annuities due or to grow due thereon; be it enacted by the authority aforesaid, That if any person or persons whatsoever, from and after the second day of *April* one thousand seven hundred and twenty three, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act and assist in the forging or counterfeiting any order or orders made forth or to be made forth in pursuance of any the before-mentioned acts, or of this present act, or any assignment or assignments of such order or orders, or of the annuities payable thereon, or of any receipt or discharge to the exchequer for the annuities due or to grow due on any such standing order or orders, or of any letter of attorney, or other authority or instrument to transfer, assign, alien or convey any such order or orders, or to receive the annuities due or to grow due thereon, or any part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the

the forging or counterfeiting any the name or names of any of the proprietors of any such order or orders in or to any such pretended assignment, receipt, letter of attorney, instrument or authority, or shall knowingly and fraudulently demand, or endeavour to have or receive any such annuity or annuities, or any part thereof, by virtue of any such forged or counterfeited receipt, letter of attorney, instrument or authority, or shall falsly and deceitfully personate any true and real proprietor or proprietors of any the said order or orders, and thereby assigning or endeavouring to assign any of the said order or orders, or receiving or endeavouring to receive the money of such true and lawful proprietors, as if such offender were the true and lawful owner thereof, then and in every or any such case, all and every such person and persons (being thereof lawfully convicted in due form of law) shall be adjudged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

C A P. XIII.

An act for the enlarging the term granted by an act passed in the eighth year of the reign of her late Majesty Queen Anne, intituled, *An act for repairing the high-ways between the house commonly called the Horseshoe-house, in the parish of Stoke Goldington in the county of Bucks, and the town of Northampton; and for repairing the road from the North-Bridge of Newport-Pagnel in the county of Bucks, to the said Horseshoe-House.*

By this act the toll granted by the private act 8 Ann. c. 2. which commenced from 1 April 1710, and was to have continuance for 21 years, is farther continued from 1 May 1723, for the term of 15 years. *Farther continued by 15 Geo. 2. c. 6.*

C A P. XIV.

An act for enlarging the term granted by an act made in the third year of his Majesty's reign, (for continuing the duty of two pennies Scots upon every pint of ale and beer sold in the city of Edinburgh, for the purposes therein mentioned; and for discontinuing payment of the petty-port customs there) and for making the said act more effectual.

WHEREAS the city of Edinburgh, being the metropolis and seat of the government of Scotland, was thereby subject to all the alterations and changes of the state; and whereas the said city hath, ever since the reformation, been remarkably zealous in supporting and defending the protestant interest, and thereby, and by other unavoidable occasions, was involved in very considerable debts, far exceeding what the common revenue of the said town could discharge; therefore to enable them to pay off these debts, and for other purposes, *This act is explained by Geo. 2. stat. 2. c. 22.* an act was past in the parliament of Scotland of the thirteenth of June one thousand six hundred and ninety three, giving to the said town of Edinburgh, and community thereof, and to the magistrates and town-council of the same, and their successors in office, for their use and behoof, an imposition of two pennies Scots (over and above the King's annexed excise, and additional excise imposed in that session of parliament) upon the pint of all ale and beer, either brewed, brought in,

in, or vended, tapped, and sold within the said town and subur
and liberties thereof, viz. Canon-gate, South and North Lei
Westport, Potterow and Pleasants, and the other pertinent, to
paid to the said town, magistrates and council thereof, by the bre
ers, venders, sellers, and tappers of the said ale or beer, during
space of fifteen years and further, not exceeding the space of thi
years, commencing from the first of July one thousand six hu
dred and ninety three, to be paid, uplifted, and collected wee
monthly and quarterly, or otherwise, as the magistrates and tou
council should think fit to prescribe and order; excepting only fr
the said act all such ale and beer, as should be brewed in the cou
try without the liberties of the said city, by horitors or proprietors
their own lands, and brought in by them (during the time they at
ally inhabited in the said town) to be consumed and made use of
their own use, and the use of their families only; and also except
all ale and beer vended within the precincts of Holyrood House
castle of Edinburgh from the said impositions: and whereas since
union there hath been a gradual, but very sensible decrease and de
of the revenues of the said city, and that several of their pub
works, which were highly necessary to be carried on and finished
the service of the said city, had been very much neglected, and co
not be carried on without a considerable sum of money: and when
the said city was so far from being able, at their own expence,
out of their proper revenues, to carry on and finish the same, that
debts owing by them were considerably increased; partly occasioned
the late unnatural rebellion; therefore by an act of the third year
3 Geo. I. c. 5. his present Majesty's reign, intituled, An act for continuing the c
ty of two pennies Scots, or one sixth part of a penny sterli
on every pint of ale and beer that shall be vended or sold wi
in the city of Edinburgh, and privileges thereof, for the ben
of the said city: and for discontinuing the payment of the di
commonly called the petty-port customs at Edinburgh, during
continuance of this act, the said duty and duties so imposed by the
fore recited act of the parliament of Scotland are further continued,
made payable to the provost, magistrates and council of the said city
Edinburgh, for the time being, and their successors, for the use
behoof of the said town, for and during the full term of nineteen yea
to be collected and levied in the same manner, as the same was, by
said act of parliament in Scotland, limited and appointed, and
money arising thereby was directed to be applied and disposed of to
uses following, viz. for renewing the water-pipes, and helping
conduits, which carry water to the town, for enlarging the harb
and deepning the channel of Leith, for building a new key at Lei
for settling an annual fund of three hundred pounds towards emp
ing and maintaining the poor of Edinburgh and adjacent count
from and after the first of July one thousand seven hundred
eighteen, for settling a salary on the professor of law in the unive
ty of Edinburgh, and his successors in office, not exceeding one hu
dred pounds per annum, commencing from the eleventh of Nove
ber one thousand seven hundred and seventeen, for rebuilding the c
walls, and causing the highways leading to the said city, for bui
ing two new churches, and settling stipends for the ministers thereof,

for two french ministers, for paying and applying four hundred and fifty two pounds annually, in aid of the deficiency of the present ordinary revenue of the town, and for payment of the whole debts of the said city, that should be due and owing on the first of July one thousand seven hundred and eighteen, other than the debts provided for and to be discharged by the duty arising by the act of parliament of Scotland, with a power to the said magistrates and council of the said city, to borrow money for the better enabling them to carry on the several purposes in the said act mentioned, and for securing the repayment thereof, to assign over the said duty or any part thereof, for the whole or part of the term by the said act granted: and whereas the magistrates and council of the said city, agreeable to the said last recited act of parliament, have at very great expence collected the springs, renewed the pipes which convey water to the town, rebuilt the fountains in the high-street, in the most approved and advantageous manner, have begun to enlarge the harbour of Leith, and deepen its channel, have built six hundred foot of a key there, of very sufficient workmanship, have built one of the two new churches, have made a large provision of causey-stones, and other materials for paving their whole high-streets and ways leading to their city, have made a good highway from their city to their port of Leith, have built and repaired a large house, for accommodating the poor to be employed in manufacture; for performing whereof, and for payment of the interest of their capital debts due on the said first of July one thousand seven hundred and eighteen, and for satisfying the other annual payments directed by the said last recited act of parliament as aforesaid, they have borrowed money: and whereas though all the money borrowed upon the security of the said grant, has been duly and regularly applied to the several uses, intents and purposes in the said last recited act mentioned and directed, yet the same, with what further ^{3 Geo. 1. c. 5.} the said grant for the term aforesaid may produce, will not be sufficient to answer the said purposes, and enable the said magistrates and council to carry on and finish the said designs to perfection; so that unless the said duty is further continued in order to raise more money, great part of what has already been laid out will be entirely lost, and the intention of the said last recited act in a great measure frustrated, which would be a very great prejudice to the whole united kingdom: and whereas it will be greatly for the interest of the said city and adjacent country, that not only the several designs already begun, be carried on and finished, but that the several other purposes herein before mentioned, be carried on and finished, which would not only be of great service for beautifying and for the ornament of the said city, but will contribute much to the preservation of the health of the inhabitants, and otherways be of great advantage: and whereas it is impracticable either to finish what is already begun, or carry on these other advantageous views and purposes now intended, but by continuing the payment of the said duty for a longer term: and whereas a great many brewers have of late retired out of the city's liberties, and erected breweries in the confines thereof, in order to elude the payment of this duty, and to the great prejudice of the city otherways: and whereas for the encouragement of breweries within the said city of Edinburgh, and preserving an equality of trade betwixt the brewers in the said city and the

the brewers in some of the adjacent parishes, and to prevent frauds by importing ale brewed in the said adjacent parishes without paying the said duty, it will be necessary to extend the said duties, and subject the several brewers within the parishes of Saint Cuthberts, the Canon-Gate, and South and North Leith, to the payment of the like duties, as the brewers within the said city and suburbs thereof: wherefore your Majesty's most dutiful and loyal subjects, the provost, magistrates, and council of the said city of Edinburgh, in behalf of themselves and the community of the said city, and the heritors and freeholders of the shire of Edinburgh, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That such and the like rates, duties and impositions, as are by the said last in part recited act of parliament of the third year of his present Majesty's reign, laid, granted and imposed upon all ale and beer brewed, brought in, vended, tapped or sold, within the said city of Edinburgh, suburbs and liberties thereof, shall, from and after the commencement of the said term by the said act granted, be raised, levied, collected, paid and made payable to the said provost, magistrates, and council of the said city of Edinburgh for the time being, and their successors, for the use and behoof of the said town, upon all ale and beer brewed, brought in for sale, tapped or sold within all or any of the said parishes of Saint Cuthberts, Canon-Gate, South and North Leith, for and during the space and term of nineteen years by the said last mentioned act granted; and that the same be levied, collected and paid, by the same means and methods, and by and under such rules and directions, and under the like penalties and forfeitures, as are prescribed, mentioned and expressed in the said recited acts of parliament, for levying and paying the same within the said city of Edinburgh and suburbs thereof, in as full and ample manner, as if the said parishes had been by the said act particularly subjected to the payment thereof.

3 Geo. 1. c. 5.

What duties on all ale and beer in St. Cuthberts and Canon-Gate.

Such duties payable to the provost of Edinburgh, &c. for 19 years.
Continued by 25 Geo. 2. c. 9.

II. And be it further enacted by the authority aforesaid, That such and the like rates, duties and impositions, as are by the said act of the third year of his present Majesty's reign, laid, granted and imposed upon all ale and beer brewed, brought in for sale, vended, tapped or sold, within the said city of Edinburgh, suburbs and liberties thereof, shall, from and after the expiration of the term by the said act granted, be further continued, raised, levied and collected, and payable to the provost, magistrates and council of the said city of Edinburgh for the time being, and their successors, for the use and behoof of the said city, upon all ale brewed, brought in, tapped or sold, within the said city of Edinburgh, the suburbs and liberties thereof, and likewise for all ale and beer brewed, brought in, tapped or sold, within all or any of the said parishes of Saint Cuthberts, Canon-gate, South and North Leith, for and during the space and term of nineteen years more; and that the same shall

shall be levied and paid by the same means and methods, and by and under such rules and directions, and under the same penalties and forfeitures and powers, as are prescribed, mentioned and expressed in the acts of parliament aforesaid; and that both the said act made in the parliament of *Scotland*, and the act made in the third year of his Majesty's ^{3 Geo. 1. c. 5.} reign, and every article, rule, clause, matter and thing therein contained, shall be of full force and effect to all intents and purposes, as if the same were particularly and at large expressed, repeated and re-enacted in the body of this present act, for the more effectual levying and raising payment of the said duty and duties within the said city of *Edinburgh* and liberties and suburbs thereof, and within the said parishes of *Saint Cuthberts*, *Canon-gate*, South and North *Leith*, for and during the said new and additional term of nineteen years hereby granted, and to and for the several purposes and intents in the said acts or either of them particularly mentioned, except in so far as is hereby altered and varied.

III. And be it further enacted by the authority aforesaid, That what money shall be due and payable by virtue of this act, and what shall arise by the said duty during both the said terms of thirty-eight years granted by this and the said former act, shall be applied, disbursed, laid out and disposed of, to Money payable by this act, how to be applied. and for the several uses, intents and purposes, and in such manner as is herein after declared (the reasonable charges expended or to be expended in or about, or by reason of passing this act of parliament being first deducted) as the same shall be stated and allowed by the overseers after named, or the majority of them present, at one of their general meetings under mentioned: and the said magistrates and council of the said city are hereby impowered and authorized to apply, lay out and dispose of the same, to and for the intents and purposes herein after mentioned, *videlicet*, for distributing the water brought or to be brought into the said city in such way and manner, as may be most for the publick use and conveniency of the said city and the inhabitants thereof, for supplying the *Canon-gate*, South and North *Leith* with water, for finishing and compleating the said harbour or pier of *Leith*, for caulfeying or laying with free stones (in such places where it may be found proper and necessary) the high streets, areas, courts or squares, lanes and by-streets that are or shall be within the said city, with the highways and avenues leading to and from the same, for repairing the city walls, for building another of the new churches directed by the former act to be built, for satisfying the respective annual payments appointed by the said recited act of parliament of the third year of his Majesty's reign, *videlicet*, for maintaining and employing the poor, for payment of the ministers stipends, for payment of the sum granted in aid of the deficiency of the town's revenue, for payment of the professor of the civil law his salary, and also for and towards payment of a sum not exceeding the sum of five hundred pounds sterling

annually and every year, to be applied by the magistrates and council of the said city, for and towards the relief of such of the poorer sort of the inhabitants of the said city, as are or ought to be taxed for the maintaining and paying of the guard of the said city, at or below the rate of four pounds *Scots* each, in such way and manner, as to the said magistrates and council shall seem most just and equitable; which said sum of five hundred pounds is hereby enacted to commence, grow due, and be payable from and after the first day of *July* one thousand seven hundred and twenty-three, and the first half-year's moiety to be payable the first day of *January* thereafter; and likewise that the said duty and money arising thereby shall be applied and laid out, for and towards narrowing the noxious lake on the north-side of the said city, commonly called the *North Loch*, into a canal of running water, and making a communication street or way to the fields and grounds belonging to the said city, on the north-side thereof, and for purchasing such houses and grounds, as shall be by the said magistrates and council with the approbation of the overseers judged proper and necessary to be bought and purchased for making the said street or communication way betwixt the said city and the said fields on the north-side thereof, and likewise for purchasing such houses and grounds, as may be thought proper and necessary as aforesaid, for making a convenient area for building the said new church, and for building a proper hall, or other conveniences, for accommodating the court of justiciary, and what conveniences may be found necessary for accommodating the other courts of justice, that meet in the said city, and the offices thereunto belonging, a hall or convenient place for keeping the records under the charge of the lord register of *Scotland*, convenient offices for lodging the records, writs, securities and instruments, which are under the care of the several clerks of session, the clerks of justiciary, and commission for valuation of tiends, the clerks of the said city, the sheriff and commissar clerks of *Edinburgh*, the keepers of the signet, chancery, privy seal, great seal, general register of sasins, general register of hornings and inhibitions, for payment of a sum not exceeding one hundred pounds yearly, to a professor of universal civil history, Greek and Roman antiquities in the said university, and for payment of a sum not exceeding one hundred pounds yearly, to a professor of *Scots* law, both to commence and grow due from the first of *July* one thousand seven hundred and twenty three; which two professions of universal civil history, Greek and Roman antiquities, and of *Scots* law, the magistrates and council of the said city are and shall be authorized and empowered to institute and establish, and to nominate and appoint the first professors, who shall enjoy the said salaries, and be instituted to the whole privileges and immunities, that the other professors of the said university enjoy and are entitled to.

IV. And to the end that these professions may be in time coming always supplied with proper and qualified persons, be it enacted by the

The sum of
100 l. payable
to a professor
of civil history,
&c.

thority aforesaid, That when and so often as any vacancy shall happen in any of the said professions, that the said advocates shall nominate and present two persons, they shall judge qualified for supplying such vacant pro-
Who to supply vacancies in the professions.
 to the said magistrates and council, and that the said rates and council shall admit and appoint one of the persons so nominated and presented to supply the va-

And whereas it hath been found useful and necessary to institute a professor of civil law in the said university, for whom a salary is provided by this and the other in part recited act of parliament; and further enacted, That the said professor, and his successors, shall enjoy the same powers, privileges and immunities with the other professors in the said university, and that and as often as any vacancy shall happen in that office, the same shall be supplied in the same way and manner, as is directed concerning the professors of universal civil history, Greek and Roman antiquities, and of Scots law. For payment of forty-four pounds ten shillings annually to ministers of the said university, to be proportioned betwixt them at the sight of the overseers, so as to make their stipends equal, and for payment of thirty three pounds six shillings and eight pence annually to the treasurer of the Canon-gate, for payment of an additional stipend to their ministers, to be proportioned betwixt them at the sight of the overseers, so as to make them equal; and to commence and grow due from the fifteenth day of May next, and to be paid to the said treasurer, the first moiety of the same to be payable the eleventh of November following, and for what other salaries shall be found necessary by the magistrates and council, with the consent of the overseers, for the maintenance of masters and professors to be instituted and appointed, with the consent of his Majesty, his heirs and successors, to teach other liberal arts and sciences in the said university, and exercises in the said city: for payment of the sum of fifty pounds yearly, to be paid to the professor of divinity in the college of St. Mary, and his successors in office, to commence and grow due from and after the first day of July next, one thousand seven hundred and twenty three, the first moiety thereof payable the first day of January following: and for making and paying augmentations of salaries to other professors already established, or sufficiently provided for: and for payment of the interest of the whole capital debt due by the said city, which hath been borrowed in pursuance of the said in part recited act of the year of his present Majesty, or hath been insisted amongst the debts of the said city, with the approbation of the overseers, as a charge upon the duty thereby continued, or which shall be borrowed on or before the first day of July next, with the approbation of the said overseers, or which may be borrowed in pursuance of the powers given by this present act: and for paying the charges that shall be approved of by the overseers for collecting and applying of this duty, and other necessary
What powers to be enjoyed by the professor of civil law.
Masters teaching other liberal arts, to be provided for.

fary incident charges concerning the same, and for paying off the said capital debt of the said city; and if any more money shall arise by the imposition hereby granted and continued, than shall be found necessary to pay off all the said debts, and discharge the annual payments, and execute the purposes that remain to be completed as aforesaid, that overplus money shall be and is hereby directed to be laid out and applied for carrying on such publick works as shall be found necessary and useful for the service of the said city, as the same shall be settled and agreed upon by the magistrates and council thereof, and by the overseers, to whom the same shall be proposed, at one of their four meetings herein after mentioned and appointed; it being always hereby declared, that any proposal so to be made, shall not be approved by them, or any directions given about the same, until there be another meeting, and the same proposals by them in such subsequent meetings considered and approved of, and then and not till then, direction shall be given for the execution thereof.

Duties how to
be levied.

VI. *And for the better explaining and establishing the way and manner of levying the said duty and imposition within the said city of Edinburgh, suburbs and liberties thereof, and within the said parishes of Saint Cuthbert's, Canon-gate, South and North Leith, with their and every of their appurtenances, and for avoiding the multiplicity of oaths, and keeping an equality among the brewers, and preventing their being over-charged;* be it further enacted by the authority aforesaid, That the said duty and imposition shall be raised, levied, collected and paid, in the same way and manner, as his Majesty's excise is now raised and levied within the said city and liberties thereof, and the charges made by his Majesty's officers for levying and collecting of such excise, or an abstract thereof, under the hand of the accountant for the *Edinburgh* brewery for the time being, shall and are hereby declared to be the rule for levying and collecting the said duty and imposition hereby granted: provided always, That the said magistrates and council for the time being, shall, and they are hereby impowered and required to make to the said several and respective brewers as aforesaid, in collecting the said duty or imposition hereby granted, the several allowances, discounts and mitigations which are now made to the said brewers by the said commissioners of excise in *Scotland*, or their officers thereto duly authorized; and the commissioners of excise in *Scotland* for the time being, are hereby authorized, directed and required to appoint their proper officer or officers, or the said accountant for the *Edinburgh* brewery, from time to time, and so often as the same shall be desired by the said magistrates of the said city, or their collector or collectors, true and exact copies of abstracts attested and signed by the said proper officer or officers or accountant, of the several and respective charges given up by the said officers of excise, upon the several and respective brewers hereby subjected to and made liable in payment of the said duty

duty and imposition, and that without any fee or reward; and that the said charges given up, from time to time, by the said officers of excise as aforesaid, shall be the only rule and method of charging the said several brewers in payment of the said duty.

VII. Provided always, and be it further enacted by the authority aforesaid, That such of the said brewers only as shall live and reside within the said city and liberties thereof, shall, by virtue hereof, and on account of the premises, be subject to the jurisdiction of the said city; and that such of the said brewers who shall live without the said city and liberties thereof, shall, after commencement of the said duty, and during the continuance thereof, be and continue to be subject to all suits and processes, which may happen concerning the said duty and imposition, to such judge or judges only, who, before the making this act, were competent and proper to determine in any suits against the said brewers; and the forms and methods of proceeding in such suits and processes shall be in the same manner, as by the in part recited act of the parliament of Scotland is mentioned and directed.

VIII. *And whereas the present magistrates and council of the said city have, in behalf of the said city, entered into bonds of arbitration for making such reasonable satisfaction to such proprietors of the said parishes of Saint Cuthbert's, Canon-gate, South and North Leith, as shall sustain any damages by reason of extending the said duty or imposition, and subjecting the ale and beer brewed, brought in, and sold within their respective properties in the said respective parishes, to the payment of the said duty, as shall be awarded by the right honourable the earl of Dalhousie, James Erskine of Grange and David Erskine of Dun, esquires, two of the senators of the college of justice, and Sir John Clark of Pennycook, baronet, and George Dalrymple of Dalmahoy, esquire, two of the barons of exchequer in Scotland: and whereas the said magistrates and council are not otherwise able to perform the said engagements on their part, but by the application of some part of the money which shall arise by this duty or imposition, for and towards the satisfaction of such damages as shall be so awarded, and it being just and reasonable such satisfaction should be made out of the said money, and that some part thereof should be so applied;* be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the magistrates of the said city for the time being, and they are hereby impowered and required, by and out of the money arising by and from the said duty or imposition hereby granted and continued, to make such satisfaction to such proprietors as aforesaid, and for performance of the said engagements by the said magistrates and council of the said city for that purpose entered into, as the same shall be awarded by the said arbiters, or any three or more of them, on or before the first day of July one thousand seven hundred and twenty three; any thing in this or any other law or statute contained to the contrary notwithstanding.

What brewers are subject to the jurisdiction of the city.

Proprietors of the parishes of St. Cuthbert's, &c. how to be satisfied.

Such proprietors sustaining damage, to whom to refer their claim.

Purchase money of Caltoun hill and Leith mills, &c. how to be paid.

IX. *And whereas all the proprietors of the said parishes of Saint Cuthbert's, Canon-gate, South and North Leith have not entred into the said bonds of arbitration, and that nevertheless it is reasonable they should receive satisfaction for the damages they may sustain by subjecting the ale and beer brewed, brought in and sold within their properties to the said duty and imposition; be it therefore enacted by the authority aforesaid, That all and every such proprietor of the said parishes, brewers excepted, who hath not as yet entred into any bond of arbitration with the magistrates and council of the said city, for the end and purpose above mentioned, shall be at liberty by any writing under his hand lawfully executed (notice thereof being given to the lord provost of Edinburgh, or any of the bailies, on or before the first day of May next) to submit and refer his claim of damage on the account aforesaid, to the arbitrators before mentioned, and that in case of his so doing, he shall and is hereby appointed to receive satisfaction for such damage, in the same manner as if he had been originally a party in the said bonds of arbitration: and whereas it will extremely conduce towards the better carrying on the several designs mentioned, that the said magistrates and council of the said city, should purchase the property and superiority of the lands and mills herein after mentioned, videlicet, The property of the Caltoun hill and Leith mills, and the superiority of the Caltoun and of the back of the Canon-gate; and whereas the said magistrates have entred into an agreement to purchase the same from the right honourable the lord Balmerenoch proprietor thereof, and in order to adjust the price of the same, have entred into a submission to James Erskine of Grange, and David Erskine of Dun, two of the senators of the college of justice to determine the same; and whereas the said magistrates and council are not able to pay the price of the said premises, otherways than by application of some part of the money which shall arise by this duty or imposition; and it being greatly for the interest of the said city, that the said purchase be made, and it being just the price thereof should be paid out of the money arising out of the said duty, be it further enacted by the authority aforesaid, That it shall and may be lawful for the magistrates and council of the said city for the time being, and they are hereby impowered, authorized and required, by and out of money arising by and from the said duty or imposition hereby granted and continued, to pay and satisfy to the said lord Balmerenoch, or other persons interested therein, such sum or sums of money as and for the purchase of the said lands and mills as aforesaid, as the same shall be awarded and determined by the said James Erskine of Grange, and David Erskine of Dun, so as the said award or determination be made on or before the first day of August one thousand seven hundred and twenty-three; any thing in this or any other law or statute contained to the contrary notwithstanding,*

X. Provided always, That the said awards and determinations to be given by the said *James Erskine of Grange*, and *David Erskine of Dun*, and by the said earl of *Dalhousie*, said *James Erskine of Grange*, *David Erskine of Dun*, Sir *John Clark of Pennycook*, and *George Dalrymple of Dalmahoy*, or any three of them, in the several cases, and in pursuance of the several bonds of arbitration before recited, and the sums to be by them awarded, in all and each of the several before recited cases, shall be approved of by the said overseers, and that the sums so by them to be awarded, shall only be a charge upon the duties arising by this and the before recited acts of parliament, in so far, as the same shall be approved of by the said overseers at one of their general meetings, and such approbation recorded in their books.

XI. Provided also, That the bonds of arbitration before recited, and the awards to follow upon them, shall be no ways binding or obligatory upon the magistrates and council of the city of *Edinburgh*, or any parties submitters therein, further than the same awards and sums to be awarded, shall be approved of by the said overseers in manner before directed; any law or statute to the contrary notwithstanding.

XII. *And whereas for the better and more advantageous carrying on the several purposes herein before mentioned, particularly for building a proper place, for keeping the publick records, and for making a new area for the church hereby directed to be built, and for making a communication-street to the fields and grounds situate on the north side of the said city, and for building a proper hall for the court of judiciary and for the publick offices, it will be necessary to purchase several houses, lands, tenements and shops, some of which may be the estates of infants, femes covert or other persons, who by law are disabled to alien or convey the same; to prevent therefore any inconveniencies that may arise by, from or on account of such disability, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said magistrates and council of the said city of Edinburgh for the time being, and they are hereby empowered and authorized by and with the approbation of the overseers in this act mentioned, or the majority of them present at any one of their meetings hereby appointed and directed, to treat and agree for the absolute purchase of all such houses, lands, tenements and shops as they shall think proper and most convenient for the purposes herein before mentioned, with the several and respective owners thereof, and other persons therein interested, being of full age; and in cases of infancy, then with the parents, tutors or curators for and on behalf of any such infant; and in case of coverture, then with the husbands or trustees of such wife, if there shall be any: and it is hereby declared, that it shall and may be lawful to and for all and every such parents, tutors, curators, husbands and other trustees, for and on behalf of any infant, feme covert or others, who are or shall be possessed or seized of, or interested in any house or houses, shop or shops, lands or tenements so*

to be agreed for as aforesaid, to sell and convey any such houses, lands, shops and tenements to the said magistrates and council of the said city for the time being, with the approbation and authority of the proper judges, who are hereby authorized to give their consent to such purchases in a summary manner; and that such contracts, sales and conveyances, which shall be so made for the purposes aforesaid, shall be good, valid and effectual in law to all intents and purposes; any law, statute, usage, or other matter or thing whatsoever to the contrary thereof in any wise notwithstanding.

Purchases to be paid for out of duties granted by this act.

XIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the magistrates and council of the said city for the time being, to pay, or cause to be paid to the several or respective person or persons hereby directed and impowered to receive the same, and to make conveyances of the said houses, lands, tenements and shops, the several sums of money so to be agreed for as aforesaid, for the purchase of the said houses, lands, tenements and shops, out of the money arising by and from the said duty or imposition hereby granted and continued, and that upon such payment the said magistrates and council of the said city, and their successors, shall or lawfully may quietly hold and enjoy the houses, lands, tenements and shops so to be by them purchased for the purposes aforesaid, for and during the several estates and interests so to be by them purchased, notwithstanding any coverture, infancy or other disability in the law whatever, in the owner or owners thereof, or other persons therein interested, to sell the same, or make a good conveyance thereof without the assistance of this present act.

Money arising by the purchases how to be applied.

XIV. *And to the end that no person or persons interested in the said houses, lands, tenements or shops so to be purchased as aforesaid, may be defrauded of their respective shares of the said purchase-money;* be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said parents, tutors, curators, husbands and other persons whatsoever, to whom the said purchase-money is herein directed to be paid, and they are hereby directed and required, as soon as conveniently may be, by and with the approbation and direction of the lords of session in *Scotland*, to lay out and dispose of all the monies arising by such sale or sales, in the purchasing of other houses, lands, tenements or shops, in places most convenient for the several persons interested and concerned, to be settled in the same way and manner, and under the same restrictions, and to the same purposes, as the said houses, lands, tenements and shops that shall be sold or disposed of by virtue of or in pursuance of this act were settled, limited and appointed, or otherways liable to at the time of such sale or sales, and to no other use, intent or purpose whatsoever; and shall, in the mean time and until such purchase or purchases can be had or made, by and with the approbation of the said lords of session as aforesaid, lay out the same upon good real and personal security, and apply and pay the

the interest thereof, from time to time, to such person or persons, and to such uses, intents and purposes, as the rents and profits of the said houses, lands, tenements and shops, so to be by them purchased as aforesaid, would, if purchased, belong or be payable.

XV. Provided always, and it is hereby declared, That the said magistrates and council of the said city, shall not in any way be made chargeable with or accountable for the application or misapplication of the said money, or any part thereof, it being hereby declared, that the receipt, discharge or acquittance of the several person or persons hereby impowered to receive the said purchase-money, shall be in all events a sufficient exoneration and discharge to the said magistrates and council of the said city, and their successors for ever.

Magistrates not chargeable for misapplication of the money.

XVI. *And for the more effectual application of the money that shall arise from the aforesaid duty or imposition, to the several uses, intents and purposes in this act mentioned,* be it further enacted by the authority aforesaid, That it shall not be in the power of the said magistrates and council, at any time during the continuance of the said duty, to farm, but they shall and are hereby restrained and prohibited from farming the said duty or imposition, or any part thereof, for the terms for which the same is hereby granted and continued, or for any part thereof, but that the same shall be levied and collected by such person or persons as shall be from time to time appointed by the said magistrates and council, and the money arising thereby shall, from time to time, as the same shall be recovered and received, be applied and disposed of to the several purposes aforesaid, according to the direction of this and the former acts.

Duties not to be farmed.

XVII. And be it further enacted by the authority aforesaid, That the magistrates and council shall have the administration of the money arising by the duty or imposition hereby granted and continued, to the uses, intents and purposes in this act mentioned; but they are hereby strictly prohibited and restrained from applying the same or any part thereof to any other use, intent or purpose whatsoever, but such as are hereby directed and appointed.

or applied to other uses than directed by this act.

XVIII. *And in order to their making the most proper application of the said money;* be it also further enacted by the authority aforesaid, That the said magistrates and council shall proceed with all convenient diligence, to the execution of the purposes in this act mentioned, and particularly for building proper repositories for keeping the publick records; and that they shall, and they are hereby directed and required to advise with, and employ men of the best skill and knowledge in such matters as they are or intend to carry on agreeable to this act; and the opinion and advice so given by such skilful people, shall and is hereby directed, from time to time, to be entred in a book or books to be kept by the said magistrates and council for that purpose.

Magistrates to consult men of skill touching the execution of this act.

XIX. And

Expences, &c. to be laid before the overseers, &c. appointed by 2 Geo. 1. c. 5.

And an estimate of it laid before them yearly.

Overseers to meet four times a year.

XIX. And it is hereby further declared, That it shall not be lawful to and for the said magistrates and council to enter into any contract or agreement, or set about the execution of any of the uses and purposes by this act directed, or any part of them, before and until the said design or part of the method of carrying it on, and the expence it may probably cost, be laid before the overseers, by the said act of the third year of his present Majesty's reign, and this present act named, at one of their publick meetings; and that the same be expressly agreed unto by the said overseers, or majority of them present; and that such their approbation shall be (together with all other the proceedings of the said overseers at their several meetings) entred in a book or books to be kept for that purpose.

XX. *And that no time may be lost in carrying on the several useful purposes and designs by this act directed,* be it further enacted by the authority aforesaid, That the said magistrates and council shall once every year, during the winter season, lay before the said overseers, a general list or estimate of the designs intended and proposed to be carried on and executed for the ensuing year, in order to have the approbation of the said overseers; and in case the same is by them approved of, they shall then be at liberty to proceed and go on with the same, but in case the same shall be disapproved of by the said overseers, then they shall lay some other design before them, in order to their approbation, it being always intended that no work shall be carried on without having had first the approbation of the said overseers; and the said magistrates and council shall lay likewise before the said overseers, on the first lawful day of the month of *March* every year, an account of what has been done for the preceding year, and what money has been laid out, to be considered and approved of, or disapproved of by the said overseers; and no articles in such account shall be allowed of, but such as shall by the said overseers, or the majority of them, be approved.

XXI. *And that no delay may be occasioned by the overseers not meeting to give the proper directions, about carrying on the purposes aforesaid;* be it further enacted by the authority aforesaid, That the said overseers shall and may, and they are hereby required and directed to meet at least four times in every year, *viz.* on the first lawful day of the months of *August* and *March*, and the first *Tuesday* of the months of *June* and *December* every year, with power to adjourn themselves from time to time, and meet oftner, if they shall see cause, or shall be so desired by the magistrates and council of the said city of *Edinburgh*; and shall at each of the said meetings call for and peruse the several books and accounts directed to be kept by the magistrates and town council of the said city concerning the premises; and the said magistrates and council are hereby directed to lay such books, and likewise an account of all the contracts or other proceedings concerning the premises, from time to time, before the
said

said overseers, in order to be perused and approved of by them.

XXII. *And for the more regular keeping the accounts of the money arising by this duty, and ascertaining the uses to which the same shall be applied;* be it enacted by the authority aforesaid, That the account of the said duty, and the whole management thereof, shall be exactly and distinctly, regularly and fairly entred in books to be kept for that purpose, separate and distinct from the other affairs of the said city, with the approbation of the overseers; and the said magistrates and council of the said city are to appoint a proper person or persons for keeping the said books; that in such books shall be entred distinctly and clearly, copies of the several charges delivered in by the officers of his Majesty's excise, upon the several and respective persons subjected to the payment of the said duty or imposition, and how much the produce of the same, from time to time, amounts to, and how the same, and every part thereof, has been and shall be disposed of and laid out, to and for the uses, intents and purposes in this act mentioned, and what has been done, and how much laid out for every particular purpose; and the accounts of the amount of the said duty, and what shall be expended thereout, with the several charges affecting the same, shall be annually and every year balanced on the third *Tuesday of February*, until all the several uses and purposes by this act directed, are fully and compleatly satisfied and executed; all which said books, as well as the federunt book of the overseers, shall be kept at the ordinary office to be appointed for that purpose, and shall be open and patent for the inspection and perusal of any of the burgeses of the said city, or any of the heritors or proprietors in the shires of *Edinburgh, Haddington and Linlithgow*; and the said persons shall have free access, at least one day in every fortnight, at the usual office hours, to inspect the said books, and to take any notes or memorandums therefrom, and that without any fee or reward, which day shall be named and fixed by the said magistrates and council, by the approbation of the said overseers, and publick notice thereof given in such manner as they shall direct.

An account of duties, &c. to be entred in a book by itself.

XXIII. *And whereas by the said act of the third year of his present Majesty's reign, certain overseers were to be named the second Tuesday of the month of June every year, to oversee and control the management of the said magistrates and council concerning the said duty;* be it further enacted by the authority aforesaid, That the said overseers named the second *Tuesday* of the month of *June* last, shall be and continue overseers of the said duty or imposition by this act granted and continued, till the second *Tuesday* of *June* next, and upon that day, and so forth annually upon every second *Tuesday* of *June* every year, overseers shall be chosen and named, as in the said last recited act is mentioned, who, together with the commissioner to parliament from the four shires of *Edinburgh, Haddington, Linlithgow and Fife*, shall be and continue overseers, with the same powers, and to the same

3 Geo. 1. c. 5. overseers to be chosen annually.

pur-

purposes, as by the said last recited act is more particularly mentioned.

A compleat
state of the
money arising
by this act,
when to be
made.

XXIV. And be it further enacted by the authority aforesaid, That the magistrates and council of the said city for the time being, shall upon the third *Tuesday* of the month of *July* which shall be in the year of our Lord one thousand seven hundred and sixty one, make a full, compleat, and perfect state of all the money that shall have been then arisen, by and from the said duty or imposition hereby granted and continued, and of all sums of money laid out, from time to time, for the several purposes in this act mentioned, and of what debts shall be then owing upon the accounts aforesaid, that it may thereby appear, if there remains any overplus; and in case there shall be any overplus, it is hereby directed to be laid out by and with the approbation of the overseers, for the time being, according to the directions by this act laid down and made.

XXV. *And whereas by the said recited act of the third year of his present Majesty's reign, a liberty is given to the persons, not subjected to the payment of this duty, to import ale and beer into the city, upon payment of the said duty for the ale and beer imported only; and whereas that has been a great discouragement to the brewers subjected to the payment of the said duty, and has been the occasion of great frauds, and should it continue, might in great measure frustrate the good design and intention of this act;* be it therefore enacted by the authority aforesaid, That the said liberty and clause in the said act, shall be and is hereby repealed; and that after the first day of *July* one thousand seven hundred and twenty three, it shall not be lawful for any brewer or seller of beer or ale, who is not subjected to the payment of this duty or imposition for all he shall brew, to import or sell any beer or ale into the said city, suburbs, or liberties thereof, or into the said paroches of *Saint Cuttbert's, Canon-gate, or South and North Leith*, or any part thereof, unless he or she do previously give notice to the magistrates of *Edinburgh*, or to their collector of the said duty, at their office in *Edinburgh*, and agree to be subjected to and charged with the payment of this duty, for all the drink he or she brews, in the same manner that brewers, subjected by this act to the payment of this duty, are made chargeable therewith; and that any brewer or brewers, who shall import or sell any ale or beer into the said city, suburbs, or liberties thereof, or into any part of the said paroches of *Saint Cuttbert's, Canon-gate, South and North Leiths*, without having given such previous notice, and agreed as aforesaid, shall be charged with and liable in the payment of the said duty for all ale and beer brewed by him or her, during the twelve months immediately preceding his or her committing such offence, and in all time coming, during the continuance of this act, in the same manner that the brewers, by this act subjected, are made liable for the payment of the same.

Notice to be
given by brew-
ers importing
beer, &c.

English or fo-
reign ale how
to be import,

XXVI. Provided always, That this act shall not extend, or be construed to extend, to prevent or prohibit the importation of

of English or foreign ale or beer into the said city, liberties, and suburbs thereof, or into the said parishes of Saint Cuthbert's, Canon-gate, South and North Leiths, but that it shall and may be lawful to import the same into the places aforesaid, upon payment of the duty at present payable for the same.

XXVII. Provided also, That this act shall not extend or be construed to extend to prevent or hinder any person residing in the said city, or any other place, subjected to the payment of the said duty, who is not a brewer or seller or retailer of ale or beer, from brewing, or from importing ale or beer for the use of his own family only, but that it shall and may be lawful for such person to brew or import ale or beer for the use of his own family only, without paying the said duty for the same; any thing in this act or any other statute to the contrary notwithstanding.

Ale, &c. for private use not subject to duty.

XXVIII. *And whereas by the in part recited act of the third year of the King it is provided, That the magistrates and council with the consent of the overseers, may borrow any sum or sums of money for fulfilling the purposes thereof, and subject the duty aforesaid, as a security for payment of such sums to be borrowed, and it being meant and intended by this act, that provision should be made from the money arising from the said duty, or imposition hereby granted and continued, for payment of the said city's debts, which hath been borrowed in pursuance of the said recited act of the third year of his present Majesty's reign, or hath been enlisted among the debts of the said city, with the approbation of the overseers, as a charge upon the duty thereby continued, or which may be borrowed on or before the first day of July next, with the approbation of the said overseers, or which may be borrowed in pursuance of the powers given by this present act: and whereas the monies to be collected annually by the said duty, may not raise such a stock or sum of money, as may be sufficient for the speedy and effectual carrying on and finishing the designs aforesaid, and that it therefore may be necessary after the first day of July one thousand seven hundred and twenty three, to borrow a sum or sums of money to carry on the purposes aforesaid, but it being likewise reasonable to restrain the said magistrates and town council of the said city, for the time being, from and after the first day of July one thousand seven hundred and twenty three, from borrowing very large sums of money, and thereby increasing too much the capital debts of the said city: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the magistrates of the said city, for the time being, and they are hereby authorized and empowered, from and after the said first day of July one thousand seven hundred and twenty three, to borrow any sum or sums of money, not exceeding in the whole the sum of twenty five thousand pounds, and for securing the repayment thereof, by any writing under their hands and seals, to assign over the duty or imposition hereby granted and continued, to such person or persons who shall lend or advance the same, which said money so borrowed shall be so applied and disposed of, as the said duty or imposition should have been applied*

The sum of 25,000l. may be borrowed upon this duty.

plied and disposed of by this act, and to no other use, intent or purpose whatsoever.

but at different times.

XXIX. Provided always, That the said sum of twenty five thousand pounds shall not be borrowed all at once, but at several and different periods and times, and that not sooner or within less than the space of five years next after the said first day of *July* one thousand seven hundred and twenty three, and that the same be borrowed at such times and in such manner only, as the said overseers shall see necessary for the better carrying on all or any of the purposes aforesaid: and it is hereby declared, That it shall not be lawful to and for the said magistrates and council of the said city for the time being, to borrow, at any time or times after the said first day of *July* one thousand seven hundred and twenty three, so as to increase the capital debts of the said city, any sum or sums of money exceeding the sum of twenty five thousand pounds as aforesaid.

Duty for the first 19 years, how to be applied.

XXX. And be it further enacted by the authority aforesaid, That the money arising from the said duty hereby granted, during the first term of nineteen years, shall be annually applied for payment of the whole annual payments hereby appointed as aforesaid, with the interest of the said city's capital debt that shall be due on the said first day of *July* one thousand seven hundred and twenty three, and for extinguishing of five hundred pounds annually of the said capital debt, and what overplus thereof shall remain over and above the paying of the annual payments aforesaid, with the interest of the said capital debt, and of five hundred pounds annually towards the extinguishing of the said capital debt, shall be applied for the purposes before by this act directed; and that during the second term of nineteen years hereby granted, the money arising from the said duty shall be applied annually for paying the aforesaid annual sums hereby appointed, with the interest of the remainder of the said capital debt, and two thousand pounds at least annually towards extinguishing and satisfying the remainder of the said capital debt, and what overplus of the said duty shall remain over and above satisfying the annual payments aforesaid, with the interest of the remainder of the said capital debt, and two thousand pounds at least annually for extinguishing the said capital debt, shall be applied towards the carrying on and perfecting the whole publick works aforesaid; and that the persons and estates of such of the said magistrates and council, who shall be necessary to the increasing the said city's capital debt to any greater sum than what is hereby allowed, during the said space of thirty eight years, from and after the said first day of *July* one thousand seven hundred and twenty three, shall be subject and liable to the said city in relief of such sums as shall be borrowed by them, more than what is hereby provided and allowed.

How on the second term of 19 years.

XXXI. And it is hereby provided and declared, That by the provision for extinguishing the city's capital debt by the sum

sum of five hundred pounds annually, during the first term of nineteen years, and by the sum of two thousand pounds at least annually, during the second term of nineteen years, it is to be understood, that the debts which shall be owing by the said city on the said first day of *July* one thousand seven hundred and twenty three, together with the principal sum of twenty five thousand pounds, which they are hereby impowered to borrow in manner aforesaid, shall be really and truly lessened the sum of forty seven thousand five hundred pounds of principal, during the currency of this grant; and that it shall not be in the power of the magistrates and council of the said city, with or without the consent of the overseers, again to replace or revive, by any new borrowing or under any colour or pretext whatsoever, any debt or sum extinguished by the annual payments hereby appointed to be made towards the sinking the said capital debts of the said city.

Debts by this act extinguished, not to be revived.

XXXII. *And in case any embezzlement, misapplication, negligence or other misdemeanour, mismanagement of or concerning any part of the premises shall happen, for which it may be proper and reasonable to sue before a court of justice: for redressing thereof, be it enacted by the authority aforesaid, That it shall and may be in the power of the said overseers, or any three of them, or any six burghesses of the said city of Edinburgh, who have been in any office of magistracy in the said city, with consent of any two of the said overseers, to commence and carry on such suit by way of summons or by summary petition, to which the defendant or defendants shall be obliged to appear and answer within eight days at most after citation or service used against him or them; and in case such suit or complaint be against the magistrates or council, a citation used or served against the lord provost of Edinburgh for the time being, or against any two of the bailies, shall be a sufficient citation and service against the whole magistrates and council of the said city; and that if the plaintiff or plaintiffs prevail in their suit, or any material branch or part thereof, the defendant or defendants in the said suit shall pay the whole expences, which the said pursuers shall upon oath declare they bestowed, in so far as the same does not exceed what is ordinarily bestowed and laid out in the like cases, by reason of a suit before that court; which expences shall be allowed and decerned for, without any manner of deduction or abatement; any regulation, practice, custom or law to the contrary in any wise notwithstanding; and if the defendant or defendants be acquitted from every material part or branch of the suit, they shall, in like manner and as fully and amply, recover their whole expences and costs of suit from the plaintiffs in the said cause.*

Misapplications of the monies arising by this act, how to be redressed.

XXXIII. *Provided also, That it shall be lawful to any four freeholders of the shires of Edinburgh, Haddington, Linlithgow and Fife, in case of any embezzlement or misapplication of the duties arising by this act, or the acts in part before recited, to sue the magistrates and town council, or others guilty of such*

Freeholders of Edinburgh, &c. may sue the magistrates, &c. for misapplications.

misapplication or embezzlement, in the same form, manner and way, and under the same provisos, as is before directed in relation to prosecutions at the suit of the burgessees, and that with or without any consent of the overseers.

Holyrood House and Edinburgh castle exempt from the duty.

XXXIV. Provided, That nothing in this act shall be construed to subject any ale or beer, brewed and consumed within the precincts of *Holyrood House* and castle of *Edinburgh*, to the above duty and imposition.

Corporation estates chargeable with debts contracted in pursuance of this act.

XXXV. Provided also, That no sums or debts contracted or borrowed in pursuance of this act, and for the uses and purposes above recited, shall any ways affect or be a charge upon the estates personal or real of any of the burgessees or inhabitants of the said city of *Edinburgh*; but nevertheless, that the debts lawfully contracted in pursuance of this and the other acts in part recited, shall and may be lawfully charged upon the property and personal estate belonging to the said city of *Edinburgh* and body corporate thereof; any law or statute to the contrary notwithstanding.

Estates of magistrates answerable for misapplication.

XXXVI. Provided also, That the estate personal or real of any magistrate or counsellor, who shall be convicted to be guilty of any malversation done or committed contrary to the true intention of this and the acts in part recited, shall be subject to refund and repay such damage as shall be adjudged to have been incurred by such malversation, at the suit of any of the persons, who by this act are impowered to sue or prosecute the magistrates and council of the said city in case of malversation or misapplication of the duties arising by this and former acts in part above recited.

Petty customs discontinued during this act.

XXXVII. And whereas by the said recited act of parliament of the third year of his present Majesty's reign it is enacted, That from and after the first day of *July* one thousand seven hundred and twenty three certain dues, paid and commonly known by the name of *Petty-port customs*, payable at the ports of the said city of *Edinburgh*, should be discontinued and cease during the continuance of that act, and no longer; be it further enacted by the authority aforesaid, That the said dues and petty customs shall be discontinued and cease during the continuance of this act, and no longer; any thing in this act or any other act of parliament, or any usage or custom to the contrary notwithstanding.

Annual payments, how long to continue.

XXXVIII. And it is hereby further enacted and declared, That the annual payments before-mentioned, with which the aforesaid imposition is burdened by this act, shall continue and endure only till the first day of *July* which shall be in the year of our Lord one thousand seven hundred and sixty one, and no longer; any thing in this act or in any other act to the contrary notwithstanding.

This a publick act.
See 1 Geo. 2. c. 22.

XXXIX. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act, of which notice shall by all courts in this kingdom be judicially

dicially taken, and all judges, justices and other persons are hereby required to take notice of it as such. 16Geo.2.c.36.

C A P. XV.

An act to inflict pains and penalties on John Plunket.

WHEREAS in the years one thousand seven hundred and twenty one, and one thousand seven hundred and twenty two, a detestable and horrid conspiracy was formed and carried on by divers traitors for invading your Majesty's kingdoms with foreign forces, for raising an insurrection and rebellion against your Majesty, for seizing the tower and city of London, and for laying violent hands upon your Majesty's most sacred person, and upon his royal highness the prince of Wales, in order to subvert our present happy establishment in church and state, and to place a popish pretender on your throne: and whereas for the better concealing and effecting the said conspiracy, divers treasonable correspondencies were, within the time aforesaid, carried on by letters written in typhers, cant words, and fictitious names; which conspiracy, had not Almighty God in his great mercy disappointed the same, would have deprived your Majesty's kingdoms of the enjoyment of their religion, laws and liberties, involved them in blood and ruin, and subjected your people to the bondage and oppression of Romish superstition and arbitrary power: for which execrable treason Christopher Layer hath been indicted, tried, convicted and attainted. And whereas John Plunket hath been a principal actor in the said horrid and detestable conspiracy, by traiterously consulting and corresponding with divers persons, to raise an insurrection and rebellion against your Majesty within this kingdom, and to procure a foreign force to invade the same, with a design to depose your Majesty, and to place the pretender on your throne, by traiterously corresponding with the said pretender, and by engaging in a most execrable and villainous design of laying violent hands upon the sacred person of your Majesty (whom God long preserve): therefore to manifest our just abhorrence of so wicked a conspiracy, and our zeal and tender regard for the preservation of your Majesty's person and government, and for the protestant succession in your Majesty's royal family, the solid foundation of our present happiness and future hopes; and to the end that no conspirator may, by any contrivance or practice whatsoever, escape punishment, and that all persons may be by the justice of parliament for ever hereafter deterred from engaging in any traiterous conspiracies or attempts, we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal and commons, in parliament assembled, do humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by the authority of the same, That the said John Plunket shall be detained and kept in close and safe custody, without bail or mainprize, during the pleasure of his Majesty, his heirs and successors, in any gaol or prison within the kingdom of Great Britain; to the custody of the gaoler or

keeper whereof, the said *John Plunket* shall from time to time be committed, in pursuance of this act, by warrant under the hand and seal of any secretary of state of his Majesty, his heirs or successors: which warrant or warrants any secretary of state for the time being, is hereby authorized and impowered to make; and that the said *John Plunket* shall forfeit to his Majesty all his lands, tenements, hereditaments, goods and chattels whatsoever.

II. *And for more sure detaining the said John Plunket in safe custody*, be it further enacted by the authority aforesaid, That if the said *John Plunket* shall break such gaol or prison to which he shall be so committed, or shall escape out of the custody of the person in whose custody he shall be by virtue of such commitment, that then the said *John Plunket*, and all and every person and persons whatsoever, who shall be aiding or assisting the said *John Plunket* in breaking such gaol or prison, or in making such escape, as aforesaid, or who shall by force take or rescue the said *John Plunket* out of such custody, gaol, or prison, during the continuance of his imprisonment by virtue of this act, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in case of felony, without benefit of clergy.

C A P. XVI.

An act to inflict pains and penalties on George Kelley alias Johnson.

WHEREAS in the years one thousand seven hundred and twenty one, and one thousand seven hundred and twenty two, a detestable and horrid conspiracy was formed and carried on by divers traitors for invading your Majesty's kingdoms with foreign forces, for raising an insurrection and rebellion against your Majesty, for seizing the tower and city of London, and for laying violent bands upon your Majesty's most sacred person, and upon his royal highness the prince of Wales, in order to subvert our present happy establishment in church and state, and to place a popish pretender on your throne: and whereas for the better concealing and effecting the said conspiracy, divers treasonable correspondencies were, within the time aforesaid, carried on by letters written in cyphers, cant words and fictitious names; which conspiracy, had not Almighty God in his great mercy disappointed the same, would have deprived your Majesty's kingdoms of the enjoyment of their religion, laws and liberties, involved them in blood and ruin, and subjected your people to the bondage and oppression of Romish superstition and arbitrary power: for which execrable treason Christopher Laver hath been indicted, tried, convicted and attainted. And whereas George Kelley alias Johnson hath been a principal actor in the said horrid and detestable conspiracy, by traiterously consulting and corresponding with divers persons to procure a foreign force to invade this kingdom, and to raise an insurrection and rebellion against your Majesty within the same, with design to depose your Majesty, and place the pretender on your throne; for treasonable practices in which conspiracy the said George
Kelley

*Kelley alias Johnson being arrested, and divers papers then found about him seized, in pursuance of a warrant under the hand and seal of one of your Majesty's principal secretaries of state, for seizing and apprehending him the said George Kelley alias Johnson, together with his papers, and the said George Kelley alias Johnson being in custody of a messenger by virtue of the said warrant, did by force and violence, with a drawn sword, make an assault upon and resist the said messenger, with an intent to destroy the said papers, and did burn the same: therefore to manifest our just abhorrence of so wicked and abominable conspiracy, and our zeal and tender regard for the preservation of your Majesty's person and government, and of the protestant succession in your Majesty's royal family, the solid foundation of our present happiness and future hopes; and to the end that no conspirator may, by any contrivance or practice whatsoever, escape punishment, and that all persons may by the justice of parliament be for ever hereafter deterred from engaging in any traitorous conspiracies or attempts, we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal and commons in parliament assembled, do humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by the authority of the same, That the said *George Kelley alias Johnson* shall be detained and kept in close and safe custody, without bail or mainprize, during the pleasure of his Majesty, his heirs and successors, in any gaol or prison within the kingdom of *Great Britain*; to the custody of the gaoler or keeper whereof, the said *George Kelley alias Johnson* shall from time to time be committed, in pursuance of this act, by warrant under the hand and seal of any secretary of state of his Majesty, his heirs or successors: which warrant or warrants any secretary of state for the time being, is hereby authorized and empowered to make; and that the said *George Kelley alias Johnson* shall forfeit to his Majesty, all his lands, tenements, hereditaments, goods and chattels whatsoever.*

II. *And for the more sure detaining the said George Kelley alias Johnson in safe custody*, be it further enacted by the authority aforesaid, That if the said *George Kelley alias Johnson* shall break the gaol or prison to which he shall be so committed, or shall escape out of the custody of the person in whose custody he shall be by virtue of such commitment, that then the said *George Kelley alias Johnson*, and all and every person and persons whatsoever, who shall be aiding or assisting the said *George Kelley alias Johnson* in breaking such gaol or prison, or in making such escape, as aforesaid, or who shall by force take or rescue the said *George Kelley alias Johnson* out of such custody, gaol, or prison, during the continuance of his imprisonment by virtue of this act, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in case of felony, without benefit of clergy.

C A P. XVII.

An act to inflict pains and penalties on Francis lord bishop of Rochester.

WHEREAS in the years one thousand seven hundred and twenty one, and one thousand seven hundred and twenty two, a detestable and horrid conspiracy was formed and carried on by divers traitors for invading your Majesty's kingdoms with foreign forces, for raising an insurrection and rebellion against your Majesty, for seizing the tower and city of London, and for laying violent hands upon your Majesty's most sacred person, and upon his royal highness the prince of Wales, in order to subvert our present happy establishment in church and state, by placing a popish pretender on your throne: and whereas for the better concealing and effecting the said conspiracy, divers treasonable correspondencies, were, within the time aforesaid, carried on by letters written in cyphers, cant words, and fictitious names; which conspiracy, had it not been disappointed by the goodness of Almighty God, would have deprived your Majesty's kingdoms of the enjoyment of their religion, laws and liberties, involved them in blood and ruin, and subjected your people to the bondage and oppression of Romish superstition and arbitrary power: for which execrable treason Christopher Layer hath been indicted, tried, convicted and attainted. And whereas Francis lord bishop of Rochester, notwithstanding the many solemn assurances by him given of his faith and allegiance to your Majesty, by taking the oaths by law appointed to be taken instead of the oaths of allegiance and supremacy, which oaths he had likewise taken at sundry times, during the respective reigns of their late majesties King William and Queen Mary, and of her late majesty Queen Anne; and notwithstanding he had frequently abjured the pretender, hath, in direct violation of his said repeated oaths and obligations, and to the great scandal of religion, and his holy function, been deeply concerned in forming, directing and carrying on the said wicked and detestable conspiracy, and hath been a principal actor therein, by traiterously consulting and corresponding with divers persons to raise an insurrection and rebellion against your Majesty within this kingdom, and to procure a foreign force to invade the same, in order to depose your Majesty, and place the pretender on your throne; and by traiterously corresponding with the said pretender, and persons employed by him, knowing them to be so employed: therefore to manifest our just abhorrence of so wicked and abominable a conspiracy, and our zeal and tender regard for the preservation of your Majesty's person and government, and of the protestant succession in your Majesty's royal family, the solid foundations of our present happiness and future hopes; and to the end that no conspirator may, by any subtil contrivance or practice whatsoever, escape punishment, and that all others may by the justice of parliament be for ever hereafter deterred from engaging in any traiterous conspiracies or attempts, we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal and commons, in parliament assembled, do humbly beseech your Majesty, that it may be enacted;

enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by the authority of the same, That the said *Francis* lord bishop of *Rochester*, from and after the first day of *June*, in the year of our Lord one thousand seven hundred and twenty three, shall be and is hereby, to all intents and purposes, deprived of all and singular his offices, dignities, promotions, and benefices ecclesiastical whatsoever, and that the same, and every of them, shall from thenceforth be actually void, as if he were naturally dead; and that the said *Francis* lord bishop of *Rochester* shall from thenceforth for ever be disabled, and rendered incapable of and from taking, holding, or enjoying any office, dignity, promotion, benefice, or employment within this realm, or any other his Majesty's dominions, and also of and from using or exercising any office, function, authority, or power ecclesiastical or spiritual whatsoever, and shall and do suffer perpetual exile, and be for ever banished this realm, and all other his Majesty's dominions, and shall depart out of the same on or before the five and twentieth day of *June*, in the year of our Lord one thousand seven hundred and twenty three; and that if the said *Francis* lord bishop of *Rochester* shall return into or be found within this realm, or any other his Majesty's dominions at any time after the said five and twentieth day of *June*, in the year of our Lord one thousand seven hundred and twenty three, he the said *Francis* lord bishop of *Rochester*, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer and forfeit as in cases of felony, without benefit of clergy, and shall be utterly incapable of any pardon from his Majesty, his heirs or successors,

II. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall, from and after the said five and twentieth day of *June*, in the year of our Lord one thousand seven hundred and twenty three, be aiding or assisting to the return of the said *Francis* lord bishop of *Rochester* into this realm, or any other his Majesty's dominions, or shall harbour or conceal him within the same, or any of them, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer and forfeit as in cases of felony, without benefit of clergy.

III. And be it further enacted by the authority aforesaid, That if any of the subjects of his Majesty, his heirs or successors, except such persons as shall be licensed for that purpose by his Majesty, his heirs or successors, under his or their sign manual, shall, from and after the said five and twentieth day of *June*, in the year of our Lord one thousand seven hundred and twenty three, within this realm or without, hold, entertain, or keep any intelligence or correspondence in person, or by letters, messages, or otherwise, with the said *Francis* lord bishop of *Rochester*, or with any person or persons employed by him, knowing such person or persons to be so employed, such

person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer and forfeit as in cases of felony, without benefit of clergy.

IV. And be it further enacted, That if any offence against this act shall be committed out of this realm, the same shall or may be alledged, laid, enquired of, and tried in any county within Great Britain.

CAP. XVIII.

An act for granting an aid to his Majesty by laying a tax upon papists, and for making such other persons, as upon due summons shall refuse or neglect to take the oaths therein mentioned, to contribute towards the said tax, for reimbursing to the publick part of the great expences occasioned by the late conspiracies; and for discharging the estates of papists from the two third parts of the rents and profits thereof for one year, and all arrears of the same, and from such forfeitures as are therein more particularly described.

1 Geo. 1. stat.
2. c. 59.

MOST gracious Sovereign, whereas your Majesty in the first year of your reign was graciously pleased to signify, by a message to the house of commons then in parliament assembled, your royal consent, That the two third parts of the rents and profits of the lands, tenements, hereditaments, leases and farms of all and every person and persons, who was, were or should be a popish recusant or popish recusants convicted, which by the laws and statutes of this realm then in force were or might be seized or taken into your Majesty's hands for such recusancy, might be raised, levied and applied towards your Majesty's supply for suppressing the unnatural rebellion then lately made: and to the end the said two third parts of the said estates, and the yearly and other values of them, and every of them, might be better discovered, known, described and ascertained, and that the publick might have the benefit of your Majesty's gracious condescension in relation to the same, by perception of the rents and profits thereof, or by laying some tax or charge in lieu thereof, or otherwise, as should afterwards be determined in parliament to be reasonable, one act was made and passed in the said first year of your Majesty's reign, intituled, An act for appointing commissioners to enquire of the estates of certain traitors, and of popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the publick; in pursuance of which act certain commissioners therein named were appointed (amongst other things) to enquire concerning the said estates, and the values of them, and the two third parts of the same, liable to seizure for the use of the publick; and particularly what popish recusants or papists, or persons educated in the popish religion, or whose parents should be papists, or who should use or profess the popish religion, should not take the oaths, and make and subscribe the declaration prescribed by any other act of that session of parliament, within the re-
spective

1 Geo. 1. stat.
2. c. 59.

pective times thereby appointed, or in default thereof should not register or procure to be registred, his, her or their names and estates, in the manner and form prescribed by such other act within the respective times thereby limited in that behalf, and to do such other matters and things, as by the said act first mentioned were authorized by the said commissioners to be done and performed, by which act all the monies to arise to your Majesty by, for, upon or out of the several and respective estates and interests thereby intended to be enquired into (except as therein is excepted) are appropriated to the use of the public, and should be applied thereunto by authority of parliament, and not otherwise: and whereas in and by another act made and passed in the said session of parliament, held in the said first year of your Majesty's reign, intituled, An act to oblige papists, Geo. 1. stat. to register their names and real estates, reciting, that the papists 2. c. 55. within this kingdom, notwithstanding the tender regard that had been shewn them for many years then last past, and their enjoyment of the protection and benefit of the government, had all, or the greatest part of them, been concerned in stirring up and supporting the then late unnatural rebellion, by which they had brought a vast expence upon this nation, and that it manifestly appeared by their behaviour, that they take themselves to be obliged, by the principles they profess, to be enemies to your Majesty and the present happy establishment, watching all opportunities of fomenting and stirring up new rebellions and disturbances within this kingdom, and of inviting foreigners to invade it; and that it was highly reasonable that they should contribute a large share to all such extraordinary expences, as were or should be brought upon this kingdom by their treachery and instigation; and to the end that by paying largely to the great expences which they had brought upon this nation, they might be deterred, if possible, from the like offences for the future, and that this nation might have the benefit of your Majesty's most gracious condescension, in giving your interest in the said two third parts, by seizing the same, or by laying some tax or charge upon their estates in lieu thereof, in such proportions, and in such manner as should be determined to be reasonable in parliament, it was thereby enacted, That all and every person and persons, not having taken the oaths therein mentioned before the last day of Trinity-Term one thousand seven hundred and sixteen, having any estate or interest in any lands, tenements or hereditaments, or who afterwards should have any estate or interest in any lands, tenements or hereditaments in England, Wales or Berwick upon Tweed, who was or should be a popish recusant or papist, or was or should be educated in the popish religion, or whose parent or parents, was, were or should be a papist or papists, or who should use or profess the popish religion, should, within such several and respective times as are thereby limited, take the several oaths, and repeat and subscribe the declaration in the same act prescribed, in such court as is therein mentioned, or in default thereof should register or cause to be registred the same, within such time, and in such manner and form as are thereby directed, under the penalties and forfeitures therein expressed: and whereas on the nineteenth day of February one thousand seven hundred and nineteen, a report,

Commission-
 ers report 19
 Feb. 1719.

signed

signed by seven of the said commissioners, was presented to the then house of commons, with an appendix containing the names of the papists who had before that time registred their estates, and the amount of the yearly rents, as by them respectively set forth; which yearly rents, so set forth for such estates so registred, do amount in the whole to three hundred eighty four thousand nine hundred and fifty pounds six shillings and six pence three farthings per annum, or thereabouts, over and above large sums arising from time to time, for fines payable and paid by the leasehold and copyhold tenants to such of the said papists as have so registred their estates; which fines so entred by them in the said registers, do amount to a very great sum in the whole, and may justly be esteemed to produce a considerable profit communibus annis, and over and above the yearly values of a great part of their registred estates, whereof no values are set down by them in their said registers, touching which yearly values last mentioned, another appendix or book was, on or about the said nineteenth day of February one thousand seven hundred and nineteen, presented to the then house of commons by the said commissioners, and the same do amount to a very considerable value in the whole, not comprehended in the said sum of three hundred eighty four thousand nine hundred and fifty pounds six shillings and three pence three farthings per annum; and it is highly probable that several persons, who, since the making of the act last in part before recited, ought to have registred their estates, have wholly neglected so to do, or have not duly and faithfully registred the same, and have been guilty of such omissions, frauds and concealments, that the true values of the estates of papists registred or not registred, or the two third parts of them, or any of them, cannot as yet be ascertained: and whereas it is notorious, that since the making of the said acts in part before recited, the papists and their abettors, or many of them, have given several fresh instances of their readiness and zeal in forming plots and conspiracies, and in fomenting and stirring up rebellions and disturbances for the wicked ends and purposes above mentioned, which conspiracies and disturbances have brought a further great expence and burthen upon your Majesty's good subjects; and therefore it is thought reasonable, that in satisfaction of such share as they ought to contribute towards the extraordinary expences brought upon this kingdom, and in lieu of the two third parts of the rents and profits of the said estates to grow due to your Majesty within and for one year, commencing from the twenty fifth day of March one thousand seven hundred and twenty three, and all arrears of the said two third parts incurred or to be incurred before the said twenty fifth day of March one thousand seven hundred and twenty three, and in lieu of all such penalties and forfeitures as are hereafter in and by this act intended to be discharged, there shall be raised, levied and collected the full sum of one hundred thousand pounds upon such papists and others as are herein after described, and upon their respective estates, in such proportions, and in such manner and form as are herein after directed; and that the same shall be paid to your Majesty for the use of the publick: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have given and granted,

granted, and do by this present act give and grant to your Majesty, the rates and assessments herein after mentioned, and do most humbly beseech your Majesty, That it may be enacted, &c. EXP.

100,000 l. to be assessed on all papists of 18 years of age, over and above the double taxes by the land-tax. If the full sum charged be duly paid it shall discharge papists estates from the two thirds of the rents thereof for one year, and from all penalties for recusancy, &c. Lands, &c. registred, since vested in protestants, either by taking the oaths, or by death, or alienation before 25 Dec. 1722, or vested in infants, commissioners to certify it into the remembrancers office, and that part shall be discharged. Lands, &c. liable to rent charges, &c. Owners may deduct the tax. Jointures, &c. out of registred estates discharged.

C A P. XIX.

An act to continue the duties for encouragement of the coinage of monies; and for relief of William late lord Widdrington; and to prevent foreign lotteries being carried on in this kingdom; and for ascertaining the duties on bound books imported; and for issuing certificates and debentures for arrears due to five regiments, to be satisfied by annuities therein mentioned; and for discharging the duties of rock-salt lost on the rivers Weaver and Mercy; and for limiting the times of continuance of commissioners for forfeited estates in England and Scotland respectively; and for appropriating the supplies granted to his Majesty in this session of parliament; and to rectify misnomers and omissions of commissioners for the land-tax in the year one thousand seven hundred and twenty three.

MAY it please your most excellent Majesty, whereas great benefit and advantage did accrue to England by one act of parliament, passed in the eighteenth year of the reign of his majesty King Charles the Second, intituled, An act for encouraging of coinage, and continued by another act made in the twenty fifth year of the reign of his said majesty King Charles, intituled, An act for continuing a former act concerning coinage; both which said acts were revived by an act made in the first year of the reign of his majesty King James the Second; and were continued by an act made in the fourth year of King William and Queen Mary, of blessed memory; and were further continued by an act made in the twelfth year of the reign of the said late King William; and were further continued by an act made in the seventh year of the reign of her late majesty Queen Anne, of blessed memory, and then extended to Scotland; and were further continued by an act made in the first year of your Majesty's reign, to be in force for seven years, from the first day of March one thousand seven hundred and fifteen, and until the end of the first session of parliament then next following, and no longer; so that unless the said acts be revived and continued the encouragement given thereby will cease, and this kingdom be deprived for

18 Car. 2. c. 5.

25 Car. 2. c. 2.

1 Ja. 2. c. 7.

4 W. & M.

c. 24.

12 & 13 W. 3.

c. 11.

7 Ann. c. 44.

1 Geo. 1. stat.

2. c. 43.

for the future of so great a good, as it hath for many years last past enjoyed: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do give and grant unto your Majesty the rates, duties and impositions herein after mentioned, for and during the term and time herein after expressed, and do humbly pray, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That such and the like rates, duties and impositions, as, by the said act of parliament of the eighteenth year of the reign of King Charles the Second, were granted, and by the said subsequent acts were continued for and upon the importation of wines, vinegar, cyder, beer, brandy and strong waters imported during the respective terms or times therein mentioned, shall be further continued, and be paid and payable to his Majesty, his heirs and successors, for and upon all wines, vinegar, cyder, beer, brandy and strong waters, which shall be imported or brought into Great Britain within or during the space of seven years, to commence from the first day of March one thousand seven hundred and twenty three, and until the end of the first session of parliament then next following, and no longer; and that all the said former acts, and all other acts of parliament concerning coinage, and every of them, and every clause, article and sentence in them, or any of them contained, now being in force, shall be and are, by virtue of this act, revived and continued, and shall be in force, and be duly put in execution, for and during all such term and time, as are before mentioned, as fully and effectually, as if the same were particularly repeated and re-enacted in the body of this present act; any former law, statute, provision, matter or thing whatsoever to the contrary notwithstanding.

II. And to the end the importers of gold and silver into the mints of *England* and *Scotland* respectively, may not be discouraged by any deficiency of the revenue by this act settled for defraying the coinage thereof, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, out of the monies arising by this act, or out of any other the publick supplies granted or to be granted by parliament, to cause so much money to be applied, as shall be necessary for defraying the expences of the said mints of *England* and *Scotland* respectively, by way of imprest and upon account for that service, so as the same, together with the coinage duties arising by this act, do not exceed in any one year the sum of fifteen thousand pounds, and so as the said monies be issued out of the exchequer of *Great Britain* to the master of the mint in *England*, and the master of the mint in *Scotland* respectively, for the said purposes.

III. And

The act for encouraging the coinage continued for seven years from 1 March 1723, and to the end of the next session of parliament. 18 Car. 2. c. 5. Farther continued from March 1730, for seven years, by 4 Geo. 2. c. 12. Farther continued by 19 Geo. 2. c. 14.

15,000l. for defraying the expences of the mints of England and Scotland yearly.

III. *And whereas all the real and personal estate of William late lord Widdrington, attainted of high treason, was, by one or more act or acts of parliament vested in trustees, to be sold for the use of the publick, and by the sale thereof, and the rents and profits received before the same was sold, the sum of one hundred thousand pounds and upwards, hath been raised, and the greatest part thereof hath been since paid into the receipt of his Majesty's exchequer: and whereas the said William late lord Widdrington, having for these seven years last past been destitute of all necessary subsistence, has contracted considerable debts, for the support and maintainance of himself and his family: now in compassion to the deplorable condition of the said late lord Widdrington and his family, we your Majesty's said dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do humbly pray, that it may be enacted; and be it enacted by the authority aforesaid, That the full sum of twelve thousand pounds, out of the money arisen or to arise at the exchequer, from the sale or produce of all, every or any the estates forfeited for treason in the late rebellion, which estates by one or more act or acts were vested in trustees, to be sold for the use of the publick, shall and may be taken, issued and applied, for and towards the future support and maintenance of the said William late lord Widdrington and his family, and for the payment of his debts, without account, imprest or other charge to be set upon him for the same, or any part thereof; and the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized, impowered and directed to cause the said sum of twelve thousand pounds, and every or any part thereof, to be issued and paid to the said William late lord Widdrington or his assigns, accordingly, without any abatement for fees or charges, or other deduction or abatement whatsoever, any former law or statute to the contrary, or any incapacity by reason of the attainder of the said late lord Widdrington notwithstanding.*

Clause for relief of William late lord Widdrington.

IV. *And whereas in order to elude the many good laws made for suppressing unlawful lotteries, several evil-disposed persons have of late presumed to erect and carry on several lotteries, upon pretence and colour of some grant or authority given by foreign princes or states; for the better preventing of which illegal practices for the future, be it declared and enacted by the authority aforesaid, That if any person or persons shall, from and after the first day of July one thousand seven hundred and twenty three, by virtue or colour of any grant or authority from any foreign prince, state or government whatsoever, erect, set up, continue or keep, or shall cause or procure to be erected, set up, continued or kept, any lottery, or undertaking in the nature of a lottery, under any denomination whatsoever, or shall make, print or publish, or cause to be made, printed or published, any proposal or scheme for any such lottery or undertaking, or shall within this kingdom sell or dispose of any ticket or tickets in any foreign lottery, and shall be convicted of any the said offences, upon the oath or oaths*

Clause to prevent foreign lotteries being carried on in this kingdom.

oaths of one or more credible witness or witnesses, by two or more justices of the peace of the county, division or Liberty where such offence shall be committed, or the offender shall be found (which oath such justices of the peace are hereby empowered and required to administer) the person so convicted shall for every such offence (over and above any former penalties inflicted by any former act or acts of parliament made against unlawful lotteries) forfeit the sum of two hundred pounds; one third part thereof to his Majesty, his heirs and successors, one other third part thereof to the informer, and the remaining third part thereof to the poor of the parish where such offence shall be committed; the same to be levied by distress and sale of the offender's goods, by warrant under the hands and seals of such justices before whom such offender shall be convicted as aforesaid, and shall also for every such offence by such justices be committed to the county gaol, there to remain without bail or mainprize for the space of one whole year, and from thence till the said sum of two hundred pounds, so forfeited as aforesaid, shall be fully paid and satisfied.

Penalty.

Appeal to quarter-sessions.

V. Provided nevertheless, That any person, who shall think him or her self aggrieved by the judgment or determination of such justices in any the cases aforesaid, shall have liberty to appeal to the next quarter-sessions to be held for the county, city or place where such judgment or determination shall be made or given, and that the judgment to be given by the justices of the next quarter-sessions shall be final.

Books bound imported, to pay, 14s. per hundred weight.

VI. *And whereas by several acts of parliament, several duties are payable upon the importation of books bound, which duties being payable ad valorem, have been found inconvenient; for remedy whereof, be it enacted by the authority aforesaid, That the said duties payable ad valorem, for all books bound, which shall be imported from and after the twenty fourth day of June which shall be in the year of our Lord one thousand seven hundred and twenty three, shall cease and determine, and instead thereof shall be payable and paid to his Majesty his heirs and successors, for all bound books which shall be imported into Great Britain, from and after the said twenty fourth day of June one thousand seven hundred and twenty three, the sum of fourteen shillings of lawful money of Great Britain, for every hundred weight, and so in proportion for any greater or lesser weight, which duty shall be paid down in ready money by the respective importers of such bound books, from time to time, before the landing of the same respectively.*

How to be raised,

VII. And be it enacted by the authority aforesaid, That the said duty upon bound books imported, shall be raised, levied, recovered and paid, and be brought into the exchequer, by such rules, ways, means and methods, and under such penalties and forfeitures, and in such manner and form as the duties upon bound books hereby taken away, or any of them, might or ought to have been raised, levied, recovered or paid, before the making of this act.

VIII. Pro-

VIII. Provided always, and it is hereby enacted by the authority aforesaid, That the duty to arise upon the importation of books bound pursuant to this act, (the necessary charges of management deducted) shall be appropriated and applied, as near as may be, to the same uses and purposes to which the former duties upon bound books, by this act taken away, were applicable or ought to have been applied, if this act had not been made.

IX. Provided also, and it is hereby enacted, That the duty by this act charged upon bound books imported, or any part thereof, shall be redeemable by parliament, in the same manner as the said former duties on bound books hereby taken away, or any of them, were redeemable; and in all cases where the said former duties on bound books, or any of them, were to cease or determine, the duty hereby granted, or a proportional part thereof, shall cease and determine.

Clause for issuing certificates and debentures for arrears due to five regiments, to be satisfied by annuities. Felony to counterfeit such debentures. No disability for putting this act in execution. Clause for discharging the duties of rock salt lost on the rivers Weaver and Mercy. Clause for limiting the times of continuance of commissioners for forfeited estates to 29 April 1724. E X P.

XV. And it is hereby further enacted by the authority aforesaid, That the forfeited estates in *England*, by any former act or acts of parliament, vested in the said commissioners and trustees, which shall remain unfold from and after the twenty ninth day of *September* one thousand seven hundred and twenty three, are hereby divested out of the said commissioners and trustees, and vested in the King's majesty, his heirs and successors, for the use of the publick; any thing in the said acts of parliament, or any former or other law or statute, to the contrary in any wise notwithstanding.

His Majesty, under the sign manual, may appoint any six surviving commissioners to act in *Scotland*, in room of commissioners dead, &c. No disability for acting. E X P.

XVIII. And it is hereby further enacted by the authority aforesaid, That the forfeited estates in *Scotland*, by any former act or acts of parliament vested in the said commissioners and trustees, which on the twenty fourth day of *June* one thousand seven hundred and twenty four shall remain unfold, shall be, and hereby are divested out of the said commissioners and trustees, and vested in the King's majesty, his heirs and successors, for the use of the publick; any thing in this or the said former acts, or any former or other law or statute to the contrary in any wise notwithstanding.

XIX. Saving and reserving nevertheless to the King's majesty, his heirs and successors, full power, liberty and authority, to appeal according to the laws and usage in *Scotland*, and as by all or any of the said former acts is directed and appointed, from all or any of the decrees or determinations of the court of delegates

gates in Scot-
land.

delegates in *Scotland*, touching all or any of the powers and authorities vested in them, by this or any former act or acts of parliament any wise relating to the said forfeited estates in *Scotland*, or any right, title, interest, claim or demand arising thereout or from the same.

Appropriation of the supplies granted this session.
9 Geo. 1. c. 2.

XX. Provided always, and be it enacted by the authority aforesaid, That all monies lent and to be lent to his Majesty upon one act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and twenty three*; and so much money (if any such be) of the tax thereby granted, as shall arise or remain after all the loans made or to be made thereupon, and the interest thereof, and the charges allowable for raising the said land-tax shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies raised and to be raised by way of a lottery or otherwise, by virtue of an act of this session of parliament, for continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery, for the service of the year one thousand seven hundred and twenty three, and so much of the same duties upon malt, mum, cyder and perry, by that act granted or continued, as shall arise or remain (if any such be) after all the payments thereby directed to be made upon certificates, as well for the unfortunate as fortunate tickets therein mentioned, and other monies thereby transferred or chargeable thereupon, and the charges by that act allowable for the execution thereof shall be satisfied, or money sufficient shall be reserved to discharge the same; and the sum of eighteen thousand two hundred and forty three pounds one shilling and two pence halfpenny, remaining in the receipt of his Majesty's exchequer on arrears of former land-taxes; and all the monies to be raised by loans or exchequer-bills, by an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by laying a tax upon papists, and for making such other persons, as upon due summons shall refuse or neglect to take the oaths therein mentioned, to contribute towards the said tax; for re-imbursing to the publick part of the great expences occasioned by the late conspiracies; and for discharging the estates of papists from the two third parts of the rents and profits thereof for one year, and all arrears of the same, and from such forfeitures as are therein more particularly described, in the manner thereby prescribed, other than the monies of the aid or assessments thereby granted, which in pursuance thereof are to be applied for repayment of the loans to be made, or discharging the exchequer-bills to be issued thereupon, and such other payments as are thereby appointed to be paid out of the same, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents and purposes herein expressed; subject nevertheless to such restrictions as are herein after prescribed; that is to say.*

9 Geo. 1. c. 18.

XXI. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid there shall and may be issued

9 Geo. 1. c. 2.
6 d. and one

and

and applied any sum, not exceeding eighty four thousand two hundred and fifty two pounds four shillings and sixpence and one fifth part of a penny, to make good the deficiency of the fund, commonly called the general fund, for raising seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and twenty two.

XXII. And it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid there shall and may be issued and applied any sum or sums of money not exceeding seven hundred thirty six thousand three hundred and eighty eight pounds fourteen shillings and eight pence half-penny, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea-officers; and for and towards victual, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed; and for or towards sea-services in the office of the ordinance performed and to be performed; and for or towards other services of the navy performed or to be performed.

XXIII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money, not exceeding eighty thousand pounds ten shillings and nine pence three farthings, for or towards defraying the charge of the office of his Majesty's ordnance for land-services performed and to be performed; and for or towards extraordinary services performed and to be performed by the office of ordnance for land-services in the year one thousand seven hundred and twenty three; and for defraying several extraordinary expences of the office of ordnance for land-services in the year one thousand seven hundred and twenty two, not provided for by parliament.

XXIV. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money, not exceeding in the whole the sum of nine hundred forty one thousand nine hundred and ninety pounds ten shillings and eight pence half-penny, for or towards maintaining his Majesty's land-forces, and other services herein after more particularly expressed; that is to say, any sum not exceeding six hundred fifty three thousand nine hundred and thirty two pounds thirteen shillings and four pence, for defraying the charge of eighteen thousand two hundred and ninety four effective men (including commission and non-commission officers and invalids) for guards, garrisons and other his Majesty's land-forces in *Great Britain, Jersey and Guernsey*, and other services relating to the forces, for the year one thousand seven hundred and twenty three; and any sum and sums of money, not exceeding one hundred and fifty thousand seven hundred and forty three pounds thirteen shillings and four pence halfpenny, for maintaining his Majesty's forces and garrisons

garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Placentia* and *Gibraltar*, for the year one thousand seven hundred and twenty three; and any sum and sums of money, not exceeding twelve thousand pounds, upon account for out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and twenty three; and any sum and sums of money, not exceeding forty three thousand three hundred and fourteen pounds four shillings, for defraying several extraordinary expences for provisions, and other services relating to his Majesty's land-forces, not before provided for by parliament; and any sum and sums of money, not exceeding eighty two thousand pounds, upon account of half-pay to the reduced officers of his Majesty's land-forces and marines, for the year one thousand seven hundred and twenty three; subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same.

65.421. 158.
9d. and seven
tenths of a
penny, to
make good
the defici-
encies for the
year 1722.

Not to be issu-
ed to any
other use.

Treasury out
of this supply
to reward the
persons who
stated the
debts of the
five regi-
ments, &c.

Rules to be
observed in
the applica-
tion of the
half-pay.

XXV. And it is hereby further enacted, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums, not exceeding sixty five thousand four hundred twenty two pounds fifteen shillings and nine pence and seven tenth parts of a penny, to make good the deficiency of the grants to his Majesty, for the service of the year one thousand seven hundred and twenty two.

XXVI. And be it enacted, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned.

XXVII. Provided always, and it is hereby enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them, or the high-treasurer for the time being, be and they are hereby authorized, out of any monies of the supply granted to his Majesty in this session of parliament for public services, to reward the persons appointed to take, examine, state and certify the debts due to the five regiments above-mentioned, and to issue such debentures as aforesaid, and their clerks and officers, as also the officers and clerks in the receipt of the exchequer, for their respective pains and services in relation to the said five regiments, and such charges as shall necessarily attend the performance of the same, as to the said commissioners of the treasury or high-treasurer shall seem reasonable; any thing herein contained to the contrary notwithstanding.

XXVIII. And as to the said sum of eighty two thousand pounds by this act appropriated on account of half-pay, as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say,

XXIX. That no person shall have or receive any part of the same, who was a minor under the age of sixteen years at the time

time when the regiment, troop or company in which he served was reduced.

XXX. That no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company.

XXXI. That no person having any other place or employment of profit, civil or military, under his Majesty shall have or receive any part of the half-pay.

XXXII. That no chaplain of any garrison or regiment, who has any ecclesiastical benefice or other preferment in *Great Britain or Ireland*, shall have or receive any part of the said half-pay.

XXXIII. That no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since.

XXXIV. That no part of the same shall be allowed to any persons by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same as reduced officers.

XXXV. And that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXXVI. *And whereas by an act of parliament made in the eighth year of his Majesty's reign, for paying off and cancelling one million of exchequer-bills, and for other purposes therein expressed, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which any sum or sums, not exceeding the sum of eighty nine thousand pounds, upon account of half-pay for the year one thousand seven hundred and twenty two, was appropriated to be paid to the reduced officers of his Majesty's land-forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of eighty nine thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the aforesaid act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed to such officers who were maimed or lost their limbs in the late wars, or to such others, as by reason of their long service or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this or the said former act to the contrary notwithstanding.*

8 Geo. 1. c. 20.
How the over-
plus of the
money given
for half-pay,
8 G. 1. shall be
disposed of.

Clause to rectify misnomers and omissions of commissioners for the land-tax 1723. E X P.

CAP. XX.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale and beer brewed and sold within the town of Linlithgow and liberties thereof, in the county of West-Lothian, for paying the debts of the said town, and other purposes therein mentioned.

This duty is granted from 1 July 1723, for eleven years. Continued by 6 Geo. 2. c. 18.

CAP. XXI.

An act for enabling his Majesty to put the customs of Great Britain under the management of one or more commissions, and for better securing and ascertaining the duties on tobacco, and to prevent frauds in exporting tobacco and other goods and merchandizes, or carrying the same coastwise.

5 Ann. c. 8.

After 1 June 1723, the customs of Great Britain may be under one or more commissions.

The number of commissions may be increased.

A recital of the duties on tobacco.

12 Car. 2. c. 4.

WHEREAS by the sixth article of the act of parliament for uniting the two kingdoms of England and Scotland, passed in the fifth year of the reign of her late majesty Queen Anne, all parts of the united kingdom were for ever, from and after the union, to be liable to the same customs and duties on import and export, and to be under the same restrictions and regulations of trade: and whereas the customs and duties arising by the exportation and importation of goods and merchandize were put under the direction of two distinct commissions, one of which to have the care and management of the customs and duties arising in England, the other in Scotland, but each vested with the like powers and authorities: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June one thousand seven hundred and twenty three the customs and other duties, now under the management of the several and respective commissioners of the customs of England and Scotland, shall and may be put under the management of one commission of the customs for the whole united kingdom, or under the management of several commissions of the customs for England and Scotland respectively, from time to time, as his Majesty shall judge to be most for the advantage of trade and security of his revenues; any law, statute or usage to the contrary notwithstanding.

II. Provided always, and be it enacted, That it shall and may be lawful for his Majesty, his heirs and successors, by his commission or commissions under the great seal of Great Britain, to increase the number of commissioners for the managing and causing to be levied and collected, his customs and duties, as shall be thought proper for the carrying on the said service, and in such commission or commissions to make provision for putting in execution the several laws relating to the customs; any law, custom or usage to the contrary notwithstanding.

III. And whereas by the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, and by the book of rates thereto annexed, a duty of one penny per pound (commonly called

called the old subsidy) was laid upon all tobacco of the British plantations imported; and by the same act and book of rates an additional duty of one penny per pound was laid on the same tobacco imported; and by another act made in the first year of the reign of the late King James the Second, a duty or impost of three pence per pound was laid on the same tobacco imported; and by another act made in the ninth year of the reign of his late majesty King William the Third, a further subsidy of one penny per pound was laid on the same tobacco imported; and by another act made in the second year of her late majesty Queen Anne, a duty or subsidy of one third part of a penny per pound was laid on the same tobacco imported; all which duties on tobacco imported, as before-mentioned, amounting in the whole to sixpence and one third part of a penny per pound weight, are by several subsequent acts since continued, and are now in force: and whereas certain abatements, discounts and allowances, for waste and damage, and other allowances, are made to the importer of such tobacco out of the said duties, which by experience have been found prejudicial to trade and a loss to the revenue: be it further enacted by the authority aforesaid, That the said several duties upon tobacco imported after the said first day of June one thousand seven hundred and twenty three shall be raised, levied, collected and paid, during the continuance thereof respectively, in the manner following; that is to say, the importer of tobacco of the British plantations shall, on the importation thereof, pay down the said old subsidy of one penny per pound, with an allowance of twenty five per centum instead of the former allowance of five per centum; and that all the other duties afore-mentioned on such tobacco imported, amounting together to five pence and one third of a penny per pound, shall be paid down, or the importer thereof shall become bound to his Majesty, his heirs and successors, with one or more sufficient sureties, to be approved of by the collector of the port where the tobacco shall be imported, with the consent of the comptroller of such port, in one or more bond or bonds, at the election of the importer, for payment of the respective duties within eighteen months, to commence at the end of thirty days after the master's report of the ship, or to commence from the merchant's entry of the goods within those thirty days, which shall first happen; and that in lieu of all former encouragements, allowance for waste or damage, or other allowances and discounts for prompt payment (all which encouragements, allowances and discounts are intended to be repealed and abrogated, and are, by force and virtue of this act, repealed and abrogated accordingly) one allowance of twenty five per centum of the said last recited duties, amounting to five pence and one third of a penny per pound as aforesaid, shall be deducted and allowed upon the entry of the importer, paying down the said duties; and every importer not paying down the said duties shall have an allowance only of fifteen per centum; any law, custom or usage to the contrary notwithstanding.

1 Jac. 2. c. 4.

9 & 10 W. 3.

c. 23.

2 & 3 Ann.

c. 9.

Importer of tobacco to pay the old subsidy, with an allowance of 25 per cent.

All the other duties to be paid down, or secured to be paid in 18 months.

Allowance of 25 per cent. for prompt payment,

otherwise 15 per cent.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty three

But merchant
may cut off so
much thereof
as he refuses
to pay custom
for, to be de-
stroyed, &c.

seven hundred and twenty three no allowance shall be made to the importer for or in consideration of any damaged or mean tobacco, either at the scale or otherwise; but in case any merchant or other person shall refuse to enter and pay, or secure the duties aforesaid for such tobacco, then he or they shall have liberty to refuse the same, or to separate such damaged tobacco, by cutting off from the hoghead or other package so much thereof, as he or they shall refuse to pay custom for, and the principal officers of his Majesty's customs, or any three or more of them, shall cause all such tobacco to be burnt and destroyed, without making any allowances to such importer for freight or other charges, other than the allowances hereafter in this act provided for; any law or custom to the contrary notwithstanding.

Not to separate the stalk from the leaf.

V. Provided always, and it is not hereby intended, That any merchant or other person shall have liberty to separate the stalk from the leaf, on pretence that the same is damaged or mean tobacco.

Tobacco exported to draw back the whole duty.

VI. And be it further enacted by the authority aforesaid, That in case any of the said tobacco, which shall have been entred, and the duties thereof paid or secured in manner aforesaid by this act directed and appointed, shall, from and after the said first day of *June* one thousand seven hundred and twenty three, be exported into any foreign parts, the exporter shall, upon the exportation thereof within the time limited by law, on a proper debenture to be made forth for that purpose, be paid or allowed to draw back the whole duty, or the security vacated on the bond or bonds given on the importation, and no more, as to what shall be so exported, care being taken, that the several allowances and deductions made at the importation be again deducted on the debenture; any law or custom to the contrary notwithstanding.

Allowances to be deducted.

VII. *And whereas, notwithstanding the many laws to prevent fraudulent drawbacks upon tobacco and other goods and merchandize exported, yet the same still continue, but if some further encouragement were given to such as would be willing to discover such frauds, the same might in some measure be prevented:* be it therefore declared and enacted by the authority aforesaid, That if any person (other than the exporter) shall discover to the commissioners, or any officer of the customs, any frauds committed, either by the exporter of the tobacco, or other goods or merchandize, or by any other person or persons in aid or assistance of the exporter, whereby his Majesty has been or shall be defrauded by the exportation of such tobacco or other goods or merchandize, such person or persons (except as aforesaid) shall, as an encouragement, have and receive one half of the officer's or prosecutor's share of what shall be recovered and paid by such discovery, the charges of prosecution being first deducted; and the commissioners of the customs for the time being are to cause such charges to be paid equally by the crown and the officer or prosecutor; and in case such person or persons, who were aiding or assisting to the exporter in such fraud, so discovering, he

Persons discovering frauds to have one half of the officer's share.

or she shall, in consideration of such his or her discovery, be clearly acquitted and discharged of such his or her offence; any law, custom or usage to the contrary notwithstanding.

VIII. *And whereas frauds are many times committed under pretence of carrying tobacco or other foreign goods or merchandizes from one port to another in Great Britain coastwise, by masters of coasting vessels, who take in such goods in ports beyond the sea, or out of ships or vessels at sea, or in any place, other than the port from whence it was certified, and privately land the same in Great Britain, to the prejudice of the revenue and the encouragement of the foul traders:* for the prevention whereof, be it further enacted by the authority aforesaid, That if any tobacco or other foreign goods or merchandizes shall be taken on board any coasting vessel in parts beyond the seas, or out of any ship or vessel at sea, or at any port or place of this kingdom, other than the port or place from whence such goods shall be certified, that then the said goods, and double the value thereof, shall be forfeited and lost, and the master of the said coasting ship, wherein the said goods were imported, shall forfeit the value of the said tobacco or other goods.

Tobacco or foreign goods carried coastwise from any other port than the place from whence certified, forfeited, and double the value.

Master to forfeit the value.

IX. And be it declared and enacted by the authority aforesaid, That if any person (other than the owner or claimer of the tobacco or other goods or merchandize so shipped coastwise, or pretended to be shipped coastwise) shall discover to the commissioners, or any officer of the customs, any frauds committed either by the owner or claimer of the tobacco or other goods or merchandize so shipped or pretended to be shipped coastwise; or by any other person or persons in aid or assistance of the owner or claimer of such tobacco or other goods or merchandize, whereby his Majesty has been or shall be defrauded in his duties, such person or persons (except as aforesaid) shall, as an encouragement, have and receive one half of the officer's or prosecutor's share of what shall be recovered and paid by such discovery, the charges of prosecution being first deducted, and the commissioners of the customs for the time being are to cause such charges to be paid equally by the crown and the officer or prosecutor; and in case such person or persons, who are aiding or assisting to the owner or claimer of the tobacco or other goods or merchandize so shipped or pretended to be shipped coastwise in such frauds, he or she shall in consideration of such his or her discovery, be clearly acquitted and discharged of such his or her offence; any law, custom or usage to the contrary notwithstanding.

Discoverer to have one half of the officer's share.



Aider discovering acquitted.

X. And be it further enacted by the authority aforesaid, That the several penalties and forfeitures in this act mentioned shall and may be prosecuted and determined by bill, plaint or information in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh* respectively, wherein no essoin, protection or wager of law shall be allowed; and one moiety of the said penalties and forfeitures shall be to

How to be sued for, and divided.

the use of his Majesty, his heirs and successors, and the other moiety to such persons as will sue for or prosecute the same.

General issue.

XI. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall be sued, molested or prosecuted for any thing done, by virtue or in pursuance of this act, or any of the clauses therein contained, such person or persons shall or may plead the general issue, and give this act and the special matter in evidence for his, her or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action or be nonsuited, or judgment shall be given against him or them upon demurrer or otherwise, then such defendant or defendants shall have full costs to him or them awarded against such plaintiff or plaintiffs.

Importer discharging his bond within the 18 months to have a discount of 7 per cent. for the time.

XII. Provided always, and be it enacted by the authority aforesaid, That if any importer or proprietor of tobacco, that hath given security as aforesaid for the payment of the said duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, he shall be abated upon such bond or bonds so much as the discount at the rate of seven *per centum per annum* shall amount to in proportion to the time unexpired.

Allowance of one half-penny per lb. for tobacco damaged at sea, &c.

XIII. Provided always, and be it further enacted by the authority aforesaid, That in case any tobacco shall happen to receive damage on board any ship or vessel by stress of weather at sea, or any damage by any ship or vessel's being forced on shore in any part of *Great Britain*, or if any unforeseen accidents should happen after the arrival of any ship or vessel in port, by the ship's bulging on an anchor, or by the lighter into which the tobacco is put in order to be laid on land, or by any such like accidents, whereby such tobacco shall receive damage, it shall and may be lawful to and for the commissioners or collectors, or other chief officers of his Majesty's customs, to allow and pay to the importer at the rate of one halfpenny for every pound of such tobacco, for which the importer shall refuse to pay or secure the full duties, and which shall be cut off or separated from the sound in order to be burnt or otherwise publicly destroyed by the officers of his Majesty's customs, so as such allowance shall not exceed thirty shillings for all the tobacco damaged in any one single hoghead imported; any thing herein contained to the contrary notwithstanding.

To be separated and burnt.

No drawback for tobacco in package, except, &c.

XIV. Provided always, and it is hereby enacted by the authority aforesaid, That no drawback shall be allowed on any tobacco exported in any package, but only in casks, containing three hundred weight or more in each cask, except such tobacco as shall be cut or rolled; any thing herein contained to the contrary notwithstanding.

8 lb. upon every hoghead qt.

XV. *And whereas the allowances at the scale for draught upon every hoghead of tobacco imported have been uncertain*, be it enacted by the authority aforesaid, That from and after the first day of

June

June one thousand seven hundred and twenty three, there shall be allowed only at the scale eight pounds upon every hoghead that shall contain three hundred and fifty pounds of tobacco or more, which allowance shall not be deducted upon exportation.

XVI. And whereas divers quantities of tobacco of the British plantations may happen to arrive before the first day of June one thousand seven hundred and twenty three, and it being reasonable that the tobacco trade should be on an equal foot, be it enacted by the authority aforesaid, That the time of importation of all such tobacco as shall arrive after the first day of May one thousand seven hundred and twenty three, and on or before the second day of June one thousand seven hundred and twenty three, and then remain unentred, shall be reckoned to be from and after the first day of June one thousand seven hundred and twenty three, in like manner, as if the masters of such ships or vessels had made report of their several loadings on the said second day of June; and the importers or proprietors of such tobacco shall pay or secure the duties, and have and enjoy the several allowances and discounts, and be entitled to draw back the duties, as fully and in like manner, as if the said tobacco had been imported, and the masters of the ships had made their respective reports of their loadings on the said second day of June; any law, custom or usage to the contrary notwithstanding.

XVII. And be it enacted by the authority aforesaid, That from and after the first day of June in the year of our Lord one thousand seven hundred and twenty four, no tobacco shall be imported into Great Britain stript from the stalk or stem; and in case any tobacco stript from the stalk or stem, shall be so imported after the said first day of June the same shall be seized, and shall be liable to be searched for and forfeited by any officers of the customs, in the same manner as any other prohibited goods may, by the laws now in being, be searched for or seized; and all and every such penalties and forfeitures shall and may be recovered by information in the court of exchequer of England or Scotland respectively; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof to the use of the person or persons who shall seize and sue for the same.

XVIII. Provided nevertheless, and it is hereby declared, That nothing herein contained shall authorize or empower any officer of the customs, or other person, to search for any tobacco imported, after the same shall have been weighed by the proper officer, for the payment of the duties payable for the same; and where it shall happen there shall not be more than twenty pounds weight of stript tobacco in any one hoghead, the same shall not be subject or liable to be seized or forfeited by virtue of this act.

XIX. Provided always, and it is hereby declared and enacted by the authority aforesaid, That all the monies to arise for the duties of tobacco, under the regulation by this act prescribed (the necessary charges of management excepted) are

350 lb. allowed at scale.

Tobacco arriving after
1 May 1723.
and before
2 June, to be
reckoned to
be from
1 June.

No tobacco to be imported stript from the stalk or stem.
Repealed by
2 Geo. 2. c. 9.

Officer not to search for stript tobacco after weighing, &c.

These duties how appropriated.

and shall be appropriated and applied to such uses and purposes, and in such or the like proportions, and in such manner, as the duties on such tobacco were appropriated and would have been applicable, if this act had not been made, under such penalties and forfeitures for diverting or misapplying any of the said monies, as in the like case or cases might have been inflicted by any former act or acts of parliament, for diverting or misapplying any money arising by the duties on tobacco therein mentioned; any thing herein contained to the contrary notwithstanding.

No drawback for tobacco-stalks exported.

XX. And be it declared and enacted by the authority aforesaid, That no drawback shall be allowed for any tobacco-stalks or stems exported by themselves, when they have been or shall be separated from the rest of the leaf; any law to the contrary notwithstanding.

CAP. XXII.

An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice.

I. **W**HEREAS several ill-designing and disorderly persons have of late associated themselves under the name of Blacks, and entered into confederacies to support and assist one another in stealing and destroying of deer, robbing of warrens and fish-ponds, cutting down plantations of trees, and other illegal practices, and have, in great numbers, armed with swords, fire-arms, and other offensive weapons, several of them with their faces blacked, or in disguised habits, unlawfully hunted in forests belonging to his Majesty, and in the parks of divers of his Majesty's subjects, and destroyed, killed and carried away the deer, robbed warrens, rivers and fish-ponds, and cut down plantations of trees; and have likewise solicited several of his Majesty's subjects, with promises of money, or other rewards, to join with them, and have sent letters in fictitious names, to several persons, demanding venison and money, and threatening some great violence, if such their unlawful demands should be refused, or if they should be interrupted in, or prosecuted for such their wicked practices, and have actually done great damage to several persons, who have either refused to comply with such demands, or have endeavoured to bring them to justice, to the great terror of his Majesty's peaceable subjects: For the preventing which wicked and unlawful practices, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in parliament assembled, and by the authority of the same, That if any person or persons, from and after the first day of June in the year of our Lord one thousand seven hundred and twenty-three, being armed with swords, fire-arms, or other offensive weapons, and having his or their faces blacked, or being otherwise disguised, shall appear in any forest, chase, park, paddock, or grounds inclosed with any wall, pale,

Persons disguised and in arms appearing in forest, &c. and killing deer, &c. deemed felons.

pale,

pale, or other fence, wherein any deer have been or shall be usually kept, or in any warren or place where hares or conies have been or shall be usually kept, or in any high road, open heath, common or down, or shall unlawfully and wilfully hunt, wound, kill, destroy, or steal any red or fallow deer, or unlawfully rob any warren or place where conies or hares are usually kept, or shall unlawfully steal or take away any fish out of any river or pond; or if any person or persons, from and after the said first day of *June* shall unlawfully and wilfully hunt, wound, kill, destroy or steal any red or fallow deer, fed or kept in any places in any of his Majesty's forests or chases, which are or shall be inclosed with pales, rails, or other fences, or in any park, paddock, or grounds inclosed, where deer have been or shall be usually kept; or shall unlawfully and maliciously break down the head or mound of any fish-pond, whereby the fish shall be lost or destroyed; or shall unlawfully and maliciously kill, maim or wound any cattle, or cut down or otherwise destroy any trees planted in any avenue, or growing in any garden, orchard or plantation, for ornament, shelter or profit; or shall set fire to any house, barn or out-house, or to any hovel, cock, mow, or stack of corn, straw, hay or wood; or shall wilfully and maliciously shoot at any person in any dwelling-house, or other place; or shall knowingly send any letter, without any name subscribed thereto, or signed with a fictitious name, demanding money, venison, or other valuable thing; or shall forcibly rescue any person being lawfully in custody of any officer or other person, for any of the offences before mentioned; or if any person or persons shall, by gift or promise of money, or other reward, procure any of his Majesty's subjects to join him or them in any such unlawful act; every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

Sending letters without a name, &c. and demanding money, &c. felony.

II. *And whereas notwithstanding the laws now in force against the illegal practices above mentioned, and his Majesty's royal proclamation of the second day of February which was in the year of our Lord one thousand seven hundred and twenty-two, notifying the same, many wicked and evil-disposed persons have, in open defiance thereof, been guilty of several of the offences before mentioned, to the great disturbance of the publick peace, and damage of divers of his Majesty's good subjects; It is hereby enacted by the authority aforesaid, That all and every person and persons, who since the second day of February in the year of our Lord one thousand seven hundred and twenty-two, have committed or been guilty of any of the offences aforesaid, who shall not surrender him, her or themselves, before the twenty-fourth day of July in the year of our Lord one thousand seven hundred and twenty-three, to any of the justices of his Majesty's court of kings bench, or to any one of his Majesty's justices of the peace, in and for the county where he, she or they did commit such offence or offences, and voluntarily make a full confession thereof to such justice, and a true discovery*

Such persons when to surrender themselves, &c.

discovery upon his, her or their oath or oaths, of the persons who were his, her or their accomplices in any of the said offences, by giving a true account of their names, occupations and places of abode, and to the best of his, her or their knowledge or belief, discover where they may be found, in order to be brought to justice, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

III. Provided nevertheless, That all and every person and persons, who have been guilty of any the offences aforesaid, and shall not be in lawful custody for such offence on the said first day of *June* and shall surrender him, her or themselves, on or before the said twenty-fourth day of *July* as aforesaid, and shall make such confession and discovery as aforesaid, shall by virtue of this act be pardoned, acquitted and discharged of and from the offences so by him, her or them confessed as aforesaid; any thing herein contained to the contrary in any wise notwithstanding.

Who intitled to a pardon.

IV. And for the more easy and speedy bringing the offenders against this act to justice, be it further enacted by the authority aforesaid, That if any person or persons shall be charged with being guilty of any of the offences aforesaid, before any two or more of his Majesty's justices of the peace of the county where such offence or offences were or shall be committed, by information of one or more credible person or persons upon oath by him or them to be subscribed, such justices before whom such information shall be made as aforesaid, shall forthwith certify under their hands and seals, and return such information to one of the principal secretaries of state of his Majesty, his heirs or successors, who is hereby required to lay the same, as soon as conveniently may be, before his Majesty, his heirs or successors, in his or their privy council; whereupon it shall and may be lawful for his Majesty, his heirs or successors, to make his or their order in his or their said privy council, thereby requiring and commanding such offender or offenders to surrender him or themselves, within the space of forty days, to any of his Majesty's justices of the court of king's bench, or to any one of his Majesty's justices of the peace, to the end that he or they may be forth coming, to answer the offence or offences wherewith he or they shall so stand charged, according to the due course of law; which order shall be printed and published in the next *London Gazette*, and shall be forthwith transmitted to the sheriff of the county where the offence shall be committed, and shall, within six days after the receipt thereof be proclaimed by him, or his officers, between the hours of ten in the morning, and two in the afternoon, in the market-places upon the respective market-days, of two market-towns in the same county, near the place where such offence shall have been committed; and a true copy of such order shall be affixed upon some publick place in such market-towns; and in case such offender

Justices to return informations to a secretary of state,

who is to lay the same before the King and council, who may make an order for their surrender.

fender or offenders shall not surrender him or themselves, pursuant to such order of his Majesty, his heirs or successors, to be made in council as aforesaid, he or they so neglecting or refusing to surrender him or themselves as aforesaid, shall from the day appointed for his or their surrender as aforesaid, be adjudged, deemed and taken to be convicted and attainted of felony, and shall suffer pains of death as in case of a person convicted and attainted by verdict and judgment of felony, without benefit of clergy; and that it shall be lawful to and for the court of king's bench, or the justices of *oyer and terminer*, or general gaol-delivery for the county, where the offence is sworn in such information to have been committed, upon producing to them such order in council, under the seal of the said council, to award execution against such offender and offenders, in such manner, as if he or they had been convicted and attainted in the said court of king's bench, or before such justices of *oyer and terminer*, or general gaol-delivery respectively.

V. And be it enacted by the authority aforesaid, That all and every person and persons, who shall, after the time appointed as aforesaid, for the surrender of any person or persons, so charged upon oath with any the offences aforesaid, be expired, conceal, aid, abet or succour, such person or persons, knowing him or them to have been so charged as aforesaid, and to have been required to surrender him or themselves, by such order or orders as aforesaid, being lawfully convicted thereof, shall be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

VI. Provided nevertheless, and it is hereby declared and enacted, That nothing herein contained shall be construed to prevent or hinder any judge, justice of the peace, magistrate, officer or minister of justice whatsoever, from taking, apprehending and securing, such offender or offenders, against whom such information shall be given, and for requiring whose surrender such order in council shall be made as aforesaid, by the ordinary course of law; and in case such offender or offenders, against whom such information, and for requiring whose surrender such order in council shall be made as aforesaid, shall be taken and secured in order to be brought to justice, before the time shall be expired, within which he or they shall be required to surrender him or themselves, by such order in council as aforesaid, that then in such case no further proceeding shall be had upon such order made in council against him or them so taken and secured as aforesaid, but he or they shall be brought to trial by due course of law; any thing herein before contained to the contrary in any wise notwithstanding.

VII. And be it enacted by the authority aforesaid, That from and after the first day of *June* one thousand seven hundred and twenty-three, the inhabitants of every hundred, within that part of the kingdom of *Great Britain* called *England*, shall make full satisfaction and amends to all and every the person and persons, their executors and administrators, for the damages they shall

Persons not
surrendering
themselves
pursuant to
such order,
deemed to be
convicted, &c.

Persons abetting
them, &c.
deemed felons.

Offenders apprehended
within the
time limited
by order of
council, shall
be tried according
to law.

Hundred chargeable for damage sustained in maiming cattle, &c.

shall have sustained or suffered by the killing or maiming of any cattle, cutting down or destroying any trees, or setting fire to any house, barn or out-house, hovel, cock, mow or stack of corn, straw, hay or wood, which shall be committed or done by any offender or offenders against this act; and that every person and persons, who shall sustain damages by any of the offences last mentioned, shall be and are hereby enabled to sue for and recover such his or their damages, the sum to be recovered not exceeding the sum of two hundred pounds, against the inhabitants of the said hundred, who by this act shall be made liable to answer all or any part thereof; and that if such person or persons shall recover in such action, and sue execution against any of such inhabitants, all other the inhabitants of the hundred, who by this act shall be made liable to all or any part of the said damage, shall be rateably and proportionably taxed, for and towards an equal contribution for the relief of such inhabitant, against whom such execution shall be had and levied; which tax shall be made, levied and raised, by such ways and means, and in such manner and form, as is prescribed and mentioned for the levying and raising damages recovered against inhabitants of hundreds in cases of robberies, in and by an act, intituled. *An act for the following hue and cry*, made in the twenty-seventh year of the reign of Queen Elizabeth.

by Eliz. C. 13.

Persons injured to give notice within two days after the offence committed,

and to be examined within four days after notice, touching their knowledge of the offenders.

Hundred not liable, if the offender is convicted within six months, &c.

VIII. Provided nevertheless, That no person or persons shall be enabled to recover any damages by virtue of this act, unless he or they by themselves, or by their servants, within two days after such damage or injury done him or them by any such offender or offenders as aforesaid, shall give notice of such offence done and committed unto some of the inhabitants of some town, village or hamlet, near unto the place where any such fact shall be committed, and shall within four days after such notice, give in his, her or their examination upon oath, or the examination upon oath of his, her or their servant or servants, that had the care of his or their houses, out-houses, corn, hay, straw or wood, before any justice of the peace of the county, liberty or division, where such fact shall be committed, inhabiting within the said hundred where the said fact shall happen to be committed, or near unto the same, whether he or they do know the person or persons that committed such fact, or any of them; and if upon such examination it be confessed, that he or they do know the person or persons that committed the said fact, or any of them, that then he or they so confessing, shall be bound by recognizance to prosecute such offender or offenders by indictment, or otherwise, according to the laws of this realm.

IX. Provided also, and be it further enacted, by the authority aforesaid, That where any offence shall be committed against this act, and any one of the said offenders shall be apprehended, and lawfully convicted of such offence, within the space of six months after such offence committed, no hundred, or any inhabitants thereof, shall in any wise be subject or liable to make any

any satisfaction to the party injured, for the damages he shall have sustained; any thing in this act to the contrary notwithstanding.

X. Provided also, That no person, who shall sustain any damage by reason of any offence to be committed by any offender contrary to this act, shall be thereby enabled to sue, or bring any action against any inhabitants of any hundred, where such offence shall be committed, except the party or parties sustaining such damage, shall commence his or their action or suit within one year next after such offence shall be committed.

Action to be commenced within a year after the offence.

XI. And for the better and more effectual discovery of the offenders above-mentioned, and bringing them to justice, be it enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace, to issue his warrant to any constable, headborough, or other peace officer, thereby authorizing such constable, headborough, or other peace-officer, to enter into any house, in order to search for venison stolen or unlawfully taken, contrary to the several statutes against deer-stealers, in such manner, as by the laws of this realm such justice of the peace may issue his warrant to search for stolen goods.

Justices may issue warrants to search for stolen venison.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall apprehend, or cause to be convicted any of the offenders above-mentioned, and shall be killed, or wounded so as to lose an eye or the use of any limb, in apprehending or securing, or endeavouring to apprehend or secure any of the offenders above-mentioned, upon proof thereof made at the general quarter-sessions of the peace for the county, liberty, division or place, where the offence was or shall be committed, or the party killed, or receive such wound, by the person or persons so apprehending, and causing the said offender to be convicted, or the person or persons so wounded, or the executors or administrators of the party killed, the justices of the said sessions shall give a certificate thereof to such person or persons so wounded or to the executors or administrators of the person or persons so killed, by which he or they shall be entitled to receive of the sheriff of the said county the sum of fifty pounds, to be allowed the said sheriff in passing his accounts in the exchequer; which sum of fifty pounds the said sheriff is hereby required to pay within thirty days from the day on which the said certificate shall be produced and shewn to him, under the penalty of forfeiting the sum of ten pounds to the said person or persons to whom such certificate is given, for which said sum of ten pounds, as well as the said sum of fifty pounds, such person may and is hereby authorized to bring an action upon the case against such sheriff, as for money had and received to his or their use.

Persons killed, or wounded in apprehending offenders, to be rewarded.

XIII. *And whereas the shortness of the time within which prosecutions for offences against the statute made in the third and fourth years of the reign of their late majesties King William and Queen Mary, intituled, An act for the more effectual discovery and punishment of deer-stealers, are limited to be commenced, has been a great encouragement to offenders; be it therefore enacted by the*

3 & 4 W. & M. c. 10.

Prosecutions may be commenced within three years after offence committed.

Such offences may be tried in any county.

Attainder not to work corruption of blood, &c.

This act, where to be read.

Farther continued by 24 Geo. 2. c. 57.

3 & 4 W. & M. c. 10.

7 Geo. 1. Stat. 1. c. 28.

authority aforesaid, That any prosecution for any offence against the said statute, shall or may be commenced within three years from the time of the offence committed, but not after.

XIV. And for the better and more impartial trial of any indictment or information, which shall be found commenced or prosecuted for any of the offences committed against this act, be it enacted by the authority aforesaid, That every offence that shall be done or committed contrary to this act, shall and may be enquired of, examined, tried and determined in any county within that part of the kingdom of *Great Britain* called *England*, in such manner and form, as if the fact had been therein committed; provided, That no attainder for any of the offences made felony by virtue of this act, shall make or work any corruption of blood, loss of dower, or forfeiture of lands or tenements, goods or chattels.

XV. And be it further enacted by the authority aforesaid, That this act shall be openly read at every quarter-sessions, and at every leet or law-day.

XVI. And be it further enacted by the authority aforesaid, That this act shall continue in force from the first day of *June* one thousand seven hundred and twenty-three, for the space of three years, and from thence to the end of the then next session of parliament, and no longer. *Continued for five years by 12 Geo. 1. c. 30.*

XVII. And be it further enacted by the authority aforesaid, That if any venison, or skin of any deer, shall be found in the custody of any person or persons, and it shall appear that such person or persons bought such venison or skin of any one, who might be justly suspected to have unlawfully come by the same, and does not produce the party of whom he bought it, or prove upon oath the name and place of abode of such party, that then the person or persons who bought the same, shall be convicted of such offence, by any one or more justice or justices of the peace, and shall be subject to the penalties inflicted for killing a deer, in and by the statute made in the third and fourth year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for the more effectual discovery and punishment of deer-stealers.*

C A P. XXIII.

An act for the further enlarging the times for entering, bearing, and determining claims on the estates vested in the trustees of the South-Sea company, and for obliging persons to claim stock by the time therein mentioned for money subscriptions, and for other the purposes therein mentioned.

I. **W**HEREAS by an act of parliament made in the seventh year of his Majesty's reign, intituled, *An act for raising money upon the estates of the late sub-governor, deputy-governor, directors, cashier, deputy-cashier, and accountant of the South-Sea company, and of John Aislabie, Esquire, and likewise*

of

of James Craggs sen. esquire, deceased, towards making good the great loss and damage sustained by the said company; and for disabling such of the said persons as are living to hold any office or place of trust under the crown, or to sit or vote in parliament for the future; and for other purposes in the said act expressed: it is enacted (amongst other things) That all and every the real estate and estates whatsoever, and of what nature or kind soever, and all rights of action, uses, trusts, powers and authorities whatsoever, and all and every the share and shares in the capital stock or stocks of any corporation, company or society, and all monies due upon any account or accounts balanced or to be balanced, and all other debts and securities for debts, and all ready monies goods and merchandizes, personal estate and effects whatsoever, of what nature or kind soever, which Sir John Fellows, baronet, late sub-governor, Charles Joye, esquire, late deputy-governor, and William Astell, esquire, Sir Lambert Blackwell, baronet, Sir John Blunt, baronet, Sir Robert Chaplain, baronet, Sir William Chapman, knight and baronet, Robert Chester, esquire, Stephen Child, esquire, Peter Delaport, esquire, Francis Eyles, esquire, James Edmondson, esquire, Edward Gibbon, esquire, John Gore, esquire, Sir William Hammond, knight, Francis Hawes, esquire, Richard Horsley, esquire, Richard Houlditch, esquire, Sir Theodore Janssen, knight and baronet, Sir Jacob Jacobson, knight, Arthur Ingram, esquire, Sir John Lambert, baronet, Sir Harcourt Master, knight, William Morley, esquire, Ambrose Page, esquire, colonel Hugh Raymond, Samuel Read junior, esquire, Thomas Reynolds, esquire, Jacob Sawbridge, esquire, William Tillard, esquire, and John Turner, esquire, late directors of the corporation of the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery, commonly called the South-Sea company; and also Robert Knight late treasurer or cashier, Robert Surman late deputy-cashier, John Grisby late accountant to the said corporation, and John Aislaby, esquire, every or any of them, upon the first day of June anno Domini one thousand seven hundred and twenty, or at any time or times afterwards, or which James Craggs the elder, esquire, deceased, or any person or persons in trust for him at the time of his death, was or were seised or possessed of, or interested in, or entitled unto, in law or equity in their or any of their own rights, or to his or their own use or uses, or in partnership with any others (except as in the said act is excepted) were, by force and virtue of the said act, vested and settled in Sir John Eyles baronet, Sir Thomas Crosse baronet, John Rudge, Matthew Lant, Roger Hudson, esquires, now Sir Roger Hudson knight, Edmund Halsey, John Lade, Gabriel Roberts, and Richard Hopkins, esquires, now Sir Richard Hopkins knight, thereby nominated and appointed trustees for the uses and purposes in the said act expressed of and concerning the same, and the heirs, executors, administrators and assigns of the same trustees, from the respective times in the said act named, to the intent the same might be sold and disposed of, or otherwise applied to and for the uses and purposes in the

Further provisions for these Matters, 13
Geo. 1. c. 22.

the said act expressed concerning the same, and that the clear monies arising thereby, should be appropriated to and for the use of the South-Sea company, in such manner as is therein mentioned: and it is thereby further enacted, That the entries of such claims, as by the said act are directed, by or for any persons or corporations in Great Britain, should or might be made at any time before the twenty-fifth day of December one thousand seven hundred and twenty one, and by or for any person or persons residing or being beyond the seas, or out of Great Britain, should and might be made at any time before the twenty fifth day of March one thousand seven hundred and twenty two: and by the said act it is further enacted, That the said trustees, or any three or more of them, should and might inquire and inform themselves, by or upon the testimony of witnesses upon oath, or by the examination of the persons making such claims upon oath (all which oaths they, or any one or more of them, had thereby power to administer) or by the inspection of any mortgages, bonds, bills, notes, or other securities, or any accounts relating to the said debt, or any of them so claimed, or by inspection of any grants, gifts, settlements, conveyances, transfers, or assurances relating to the said estates, interests, or incumbrances so claimed, or any of them, or by all or any of the said ways and means, or otherwise, according to their discretions, as soon as conveniently might be, touching all or any of the debts, estates, interests, or incumbrances so claimed, and should make a report or reports in writing of their proceedings therein, with their opinions thereon, from time to time, to the court of directors of the said South-Sea company for the time being; and if the said court of directors for the time being should be satisfied in the justice of such claim or claims, or that any debt or sum of money ought to be paid thereupon, or that the estate, interest, or incumbrance so claimed, or any part thereof, ought to be allowed, and should declare their satisfaction therein, by any resolution or resolutions of that court; and if the party or parties, by or for whom such claim should be made, should likewise, in a book or books to be kept in the said trustees publick office for that purpose, declare in writing under his, her or their hands, his, her or their acquiescence in such resolution or resolutions of the said court of directors for the time being, touching his, her or their debt, estate, interest, or incumbrance so claimed, at any time or times before the first day of August one thousand seven hundred and twenty two, then in all and every such case and cases the said trustees, or any three or more of them, should give warrant for the payment and discharge of every such debt or sum of money so liquidated or adjusted, out of such monies as should come to the hands of the cashier of the said South-Sea company for the time being, for the purposes in the said act expressed: and it was by the said act further enacted, That the justices of the courts of King's bench and common pleas, and the barons of the coif of the exchequer for the time being, or any three or more of them, sitting at the same time and place, and not otherwise, should, and they were thereby authorized, from time to time, to hear and determine all differences, disputes and controversies touching or concerning any debts, estates, interests, or incumbrances, which should be claimed within the respective times therein

before

before limited for making such claims, and could not or should not be liquidated or adjusted between the said court of directors for the time being, and the respective claimants within the time before limited in that behalf, and all incidents relating thereunto, in such manner, as by the said act is directed: and by the said act it is further enacted, ^{7 Geo. 1. stat. 1. c. 28.} That the said justices and barons, or any three or more of them, upon a complaint to be made by or for any claimant of any such debt, estate, interest, or incumbrance, whose claims should not be liquidated or adjusted as aforesaid, (so as such complaint be made on before the twenty fifth day of December one thousand seven hundred and twenty two) should proceed in such manner as by the said act is directed; and the said justices and barons, or any three or more of them, in all cases where they should find that any debt or sum of money ought to be paid to such claimant upon such claims, or that the estate, interest, or incumbrance so claimed, or any part thereof ought to be allowed, should and might, at any time or times before the twenty fifth day of March one thousand seven hundred and twenty three, transmit a certificate or certificates thereof to the said trustees in the said act nominated: and by the said act it is provided and enacted, That the powers given by the said act to the said justices and barons, for hearing and determining such differences, disputes and controversies relating to such claims as aforesaid, and issuing their certificates concerning the same as aforesaid, should continue and be in force until the twenty fifth day of March one thousand seven hundred twenty and three, and no longer. And whereas by another act of parliament made in the eighth year of his Majesty's reign, intituled, An ^{8 Geo. 1. c. 23.} act for prolonging the times for hearing and determining claims before the trustees, in whom the estates of the late South-Sea directors, and of John Aislaby esquire, and likewise of James Craggs senior esquire, deceased, are vested, and for other purposes therein mentioned; several of the times in the former act limited, have been enlarged to several further times therein expressed, which times by the said later act limited are now expired, or near expiring: now inasmuch as the claims made pursuant to the direction of the first recited act, cannot be adjusted and determined within the times already limited for the same; may it please your most excellent Majesty, that it may be enacted, &c.

Time for the court of directors of the South-Sea company to declare their satisfaction in any claims, enlarged to 24 June 1724. For the party's declaring their acquiescence, enlarged to 29 Sept. 1724. For making complaints by claimants of any debt not adjusted, enlarged to 29 Sept. 1724. For the justices determining disputes, enlarged to 24 March 1744. For their transmitting certificates to the trustees, enlarged to 24 June 1725. Discoverers of directors estates concealed to a baron, or the trustees, before 24 Dec. 1723. allowed 30 l. per cent. if beyond sea, and 20 l. per cent. if within this kingdom. Persons in trust for the late directors, not discovering before 24 Dec. 1723, to forfeit treble the value of the estate, and be imprisoned for a year. E X P.

V. And whereas the said South-Sea company did, in the year of our Lord one thousand seven hundred and twenty, take in two subscriptions

scriptions for sale of South-sea stock at one thousand pounds per centum, which are commonly called their third and fourth subscriptions, but never gave out any receipts for the monies paid in for the same, whereby to evidence the title to the said subscriptions; and whereas by reason of the errors and mismanagements of the late directors of the said company, their officers, agents or servants, the accounts of the said subscriptions are so confused, that it is uncertain how much the same amount unto: and whereas in order to ascertain the same, the said company, or their court of directors, have, from time to time, by publick notice, appointed certain days, by which the proprietors of the said subscriptions, should come and demand stock for the same, but several of the said proprietors, upon account of contracts between them and others, for the purchase or sale of the said subscriptions, or some of them, or on other accounts, have omitted to make such demands of stock for their shares or interests in such subscriptions, whereby the accounts between the said company and the original subscribers to or for the said subscriptions are still kept open and undetermined, to the prejudice of the said company and of the publick credit: to the end therefore that the accounts of the said company may be set upon a clear foot, and that it may be ascertained what stock of the said company does really and justly belong to the said subscriptions, without prejudice to either buyers or sellers, or any other parties concerned or interested in contracts for purchase or sale of the said subscriptions, or either of them, be it enacted, &c.

Original subscribers to the third and fourth subscriptions to claim their stocks, by 24 Dec. 1723. In default subscription void. Not to affect the force of any contracts for purchase of those subscriptions. EXP.

Recital of
7Geo. I. stat. 3.
c. 1.

VII. *And whereas by an act of parliament passed in the seventh year of his Majesty's reign, intituled, An act for making sundry provisions to restore the publick credit, which suffers by the frauds and mismanagement of the late directors of the South-Sea company, and others, amongst other things it was enacted, That such persons (brokers, or such persons as have acted as brokers for brokerage, excepted) as, at any time or times since the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty, had borrowed money from the said South-Sea company upon any share or shares in the stock of the said company, actually transferred and pledged (at the time of borrowing, or within one and twenty days after) to or for the use of the said company, or the respective heirs, executors or administrators of such persons, who should pay to the cashier of the said company for the time being, to and for the use of the said company, so much money as a rate of ten pounds per centum, to be computed on the respective sums so borrowed, should amount unto, to wit, one moiety thereof on or before the twenty fifth day of December one thousand seven hundred and twenty one, and the other moiety thereof on or before the twenty fifth day of June one thousand seven hundred and twenty two, should (upon such payment made, or being lawfully tendered and refused, and not otherwise)*

wise) by force and virtue of that act, be discharged of, from and against all further demands of the said company, in law or equity, for or in respect of the money so borrowed upon stock; and that all the stock so transferred and pledged, for which such payment should be made, or lawfully tendered and refused, together with the dividends and profits belonging or to belong to such stock respectively, should be and was, by virtue of the said act, absolutely vested in the said company, for the use and benefit thereof; and further by the said act the like provision was made for such persons (except as aforesaid) as had borrowed money of the said company upon receipts for money paid on any of their money subscriptions, actually pledged, for discharging such loans by a like payment of a rate of ten pounds per centum on the respective sums so borrowed, in manner and at the times before mentioned, as by the said recited act, relation thereto being had, more fully may appear: and whereas by an act of parliament passed in the eighth year of his present Majesty's reign, intituled, An act to enable the South-Sea company to dispose of the effects in their hands by way of lottery or subscription, or to sell part of their fund or annuity payable at the exchequer, in order to pay the debts of the said company, and for the relief of such who were intended to have the benefit of a late act touching payment of ten pounds per centum therein mentioned, reciting (amongst other things) that the first moiety or half-part of the said rate of ten pounds per centum, for money borrowed of the said South-Sea company, was, by the before mentioned act, limited to be paid on or before the twenty fifth day of December one thousand seven hundred and twenty one, and divers persons intended to be relieved thereby, having lapsed the said time of payment, were thereby excluded the benefit of the said act for the relief of the said persons, it was thereby enacted, That if any person or persons, intended to have the benefit of the said act, and who had lapsed the said time of payment, should pay a moiety of the said ten pounds per centum on or before the twenty fifth day of April one thousand seven hundred and twenty two, with interest for the said moiety from the said twenty fifth day of December one thousand seven hundred and twenty one, then such person or persons should, upon such payment made, or lawfully tendered and refused, and not otherwise, be entitled to the benefit of the first mentioned act, as fully as if such payment of the first moiety of the ten pounds per centum had been duly made within the time limited by the said first mentioned act, as in and by the said last recited act of parliament, relation thereto being had, more fully may appear: and whereas divers persons intended to have the benefit of the said recited acts of parliament, by reason of the difficulties of the then times by the low state of credit, were not able to make payment of the said rate of ten pounds per centum, or some part thereof, within the times limited by the said acts of parliament, and having lapsed the said times of payment, are excluded the benefit thereof: for the relief of the said persons, be it enacted, &c.

8 Geo. 1. c. 21.

7 Geo. 1. stat. 1. c. 28.

8 Geo. 1. c. 21.

Borrowers on South-Sea stock, who have lapsed their payments, paying to the company's cashier so much as a rate of 10 l. per cent. on the sums borrowed.

rowed. One moiety by 24 Dec. 1723, and the other by 24 June 1724^r with interest from 25 June 1720, discharged from all further demands of the company, and the stock vested in the company. Broker discharged paying 20 l. per cent. Claimants on late directors, who have lapsed their time, may enter their claims before the trustees by 24 June 1723. No sale already made before 24 May 1723, avoided: but the debts allowed by the trustees, to be paid out of the effects in their hands. Claimers on forged deeds, or satisfied security, forfeit the value of the thing claimed. All suits for debts specified in the inventories, &c. (except by way of complaint) shall be void. Claims made by persons residing in Great Britain for persons in East-India or America, to be heard as if made by the parties themselves. EXP.

CAP. XXIV.

An act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his Majesty's person and government, by several acts herein mentioned, to register their names and real estates.

EXP.

WHEREAS since his Majesty's happy accession to the crown of these realms, divers rebellions, insurrections and traitorous conspiracies have been entred into and carried on, for the destruction of his Majesty's most sacred person and government, the overturning our religious and civil rights, and for placing a popish pretender on the throne: and whereas the papists and other persons refusing to take the oaths appointed by law to be taken to his Majesty, have enjoyed, and do still enjoy the protection and benefit of the government, as well as the rest of his Majesty's subjects, yet have been notoriously concerned in contriving, stirring up and supporting the said rebellions, insurrections and conspiracies, by which it most manifestly appears, that they take themselves to be obliged, by the principles they profess, to be enemies to his Majesty and the present happy establishment; and forasmuch as it is highly reasonable, that the government should be thoroughly acquainted with, and apprized of the number, names and real estates of such disaffected persons as aforesaid, in order more effectually to prevent, disappoint or punish the like traitorous attempts for the future, in such manner as by the wisdom of parliament shall hereafter be thought proper; be it therefore enacted, &c.

Persons who shall neglect to take the oaths on or before 25 Dec. 1723, shall before 25 March register their names and real estates. In Scotland to take the oaths before 25 March, or register before 24 June. Or shall forfeit their lands. Repealed by 10 Geo. 1. c. 4. s. 11.

CAP. XXV.

An act for making more effectual an act passed in the eighth year of his present Majesty's reign, intituled, An act for supplying the records of the commissary court of Aberdeen, burnt or lost in the late fire there.

The time limited by the act 8 Geo. 1. c. 28. for bringing in extracts and precepts, enlarged for one year, from the twenty fifth of March 1723.

CAP.

CAP. XXVI.

An act to prevent his Majesty's subjects from subscribing or being concerned in encouraging or promoting any subscription for an East-India company in the Austrian Netherlands; and for the better securing the lawful trade of his Majesty's subjects to and from the East-Indies.

WHEREAS several acts and statutes have been heretofore made and provided by parliament, for the securing to the united company of merchants of England trading to the East-Indies the sole trade to and from the East-Indies, and other places beyond the Cape of Good Hope, in the said acts, some or one of them particularly mentioned and described, to the intent that the British nation might thereby have and enjoy the full fruits and advantages of so beneficial a trade; notwithstanding which acts, and the prohibitions, injunctions and penalties contained therein, several evil-minded persons (subjects of his Majesty) preferring their own lucre to the good of their native country, have not only in their private capacities secretly and illegally traded to and from the East-Indies, and with the pirates infesting those seas, but have also openly, and in defiance of the laws of this kingdom, under foreign commissions, fitted out and loaded many great and defensible ships for voyages to the East-Indies, and have corrupted several British sailors to serve on board such ships for such voyages, and of late, with design totally to elude the good and wholesome laws made to prevent such practices as aforesaid, have subscribed, contributed to or promoted the raising, establishing and carrying on a foreign company, under a foreign charter, for carrying on an East-India trade from the Austrian Netherlands, taking and providing for themselves shares and proportions in the stock or capital of such company, with design to engage others of his Majesty's subjects, as well as themselves, to be concerned in the same undertaking, by which perfidious and unwarrantable practices the trade of this kingdom is diverted, the revenue diminished, and the treasure thereof exhausted: to prevent therefore such wicked practices, and more effectually to secure the said East-India trade to his Majesty's subjects for the future, according to the laws now in being; After 24 June be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if at any time or times from and after the four and twentieth day of June in the year of our Lord one thousand seven hundred and twenty three, any person or persons whatsoever, subject or subjects of his Majesty, his heirs or successors, shall contribute or subscribe to, or encourage or promote the raising, establishing or carrying on any foreign company, society or corporation, trading, trafficking or adventuring, or hereafter to trade, traffick or adventure from any part or parts of or in the Austrian Netherlands, in, to or from the East-Indies, or places aforesaid, or shall be interested or concerned in his, her or their name or names, or in the name

names of any other person or persons whatsoever, or otherwise howsoever, in any part or share of or in the capital, principal stock or actions of any such foreign company, society or corporation as aforesaid, or shall make any payments in money, or by bills of exchange, remittances or otherwise, to, for or towards the raising, supporting, sustaining, encouraging or promoting such foreign company, society or corporation, or the trade or traffick thereof, or shall subscribe, contribute to, encourage or promote the raising, establishing or carrying on any other foreign company or companies hereafter to be raised, formed or erected, for trading or dealing to the *East-Indies* or parts aforesaid, or shall become interested in or entitled unto any share in the stock or capital of such last mentioned company or companies, every such person and persons so offending shall forfeit all his, her and their interest, share, proportion and concern in the capital, principal stock or actions of any such foreign company, society or corporation as aforesaid, together with treble the value thereof; one third part thereof to the use of his Majesty, his heirs and successors, and the remaining two third parts thereof to the use of the said united company, if they shall inform, sue or prosecute for the same; or otherwise, one third part of such two thirds shall be to the use of such person or persons as shall inform or sue for the same, such informer or prosecutor first taking such directions and consent as hereafter is mentioned for that purpose; and the said penalties shall and may be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, wager of law or protection shall be allowed, nor any more than one imparlance.

on forfeiture
of their stock
in such foreign
society, and
treble value.

Forfeiture,
how to be di-
vided.

Attorney ge-
neral, to pro-
secute.

II. Provided nevertheless, and it is hereby further enacted, and declared by the authority aforesaid, That it shall and may be lawful to and for his Majesty's attorney general for the time being, of his own authority, or at the relation of the said united company, and to and for the said united company, to file or exhibit a bill or bills of complaint in his Majesty's high court of chancery or court of exchequer, against any person or persons who shall have subscribed, contributed to, encouraged or promoted, or any ways become interested or concerned in the raising, establishing or carrying on any such foreign company, society or corporation as aforesaid, or the stock, capital, trade or traffick thereof, for the discovery of such his, her and their offence, remitting or waiving in every such bill, the said forfeiture of the treble value of the offender's stock, interest, share, proportion and concern in the principal stock or actions of any such foreign company, society or corporation, and insisting only on the single value thereof, and thereupon such person and persons shall answer the said bill or bills, and not plead or demur to the discovery thereby sought, and in such case the single value only of such interest, share, proportion and concern shall be decreed to be paid by such offender or offenders, one third part whereof shall be yielded and paid to his Majesty,

his heirs and successors, and the remaining two third parts thereof to the use of the said united company.

III. Provided also nevertheless, and it is hereby further enacted and declared by the authority aforesaid, That if before any suit or prosecution shall be commenced for the recovery of the penalties aforesaid, either by his Majesty's attorney general, or the said united company, any common informer or informers shall go to the court of directors of the said united company, and make known to them the offence committed, and his or their intentions to sue or prosecute for the same at law, and if instead thereof the said court of directors shall elect to have the suit or prosecution brought or commenced by bill or bills of complaint, to be filed or exhibited in his Majesty's said courts of chancery or exchequer, then and in every such case, there shall be yielded and paid to such common informer or informers, one third part of the remaining two third parts of the single value of the said interest and concern, when recovered; but if the said court of directors shall elect to have the suit or prosecution commenced for the penalties or forfeitures by information or action of debt at law, then the said informer or informers shall and may accordingly sue and prosecute for the same at law, and the said information or action shall be proceeded upon, and shall not be discontinued or determined, but by and with the consent of the said united company, or their court of directors.

Common informers, how to prosecute, &c.

IV. And for the more effectual discovery of the interest, share, proportion or concern of any of his Majesty's subjects, of or in the capital, principal or stock of any such foreign company, society or corporation as aforesaid, it is hereby further enacted by the authority aforesaid, That if any person or persons, subject or subjects of his Majesty whatsoever, shall have accepted of any trust or trusts, or shall know of any interest, share, part, proportion or concern, which any of his Majesty's subjects shall have or be entitled to in any such foreign company, society or corporation as aforesaid, and shall not within six months next after his, her or their accepting such trust, or coming to the knowledge of such interest, share, proportion or concern as aforesaid, truly discover and disclose in writing the same to the said united company, or their court of directors for the time being, every person so offending shall forfeit treble the value of the interest, share, proportion or concern so accepted in trust, or so known, and not discovered as aforesaid; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to him or them who shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection or wager of law shall be allowed, nor any more than one imparlance; or otherwise, such offender and offenders shall, at the discretion of the court where the prosecution is commenced, suffer imprisonment by the space of one whole year, without bail or mainprize.

Subjects accepting such shares, &c. in trust, not discovering in six months, forfeit treble value,

or imprisoned for a year.

Persons within
the time limit-
ed discover-
ing, to have
moiety of the
forfeitures.

V. And be it further enacted by the authority aforesaid, That every person who shall, within the time above limited for that purpose, voluntarily come to the court of directors of the said united company, and make a true discovery in writing of the interest share, part, proportion or concern of any of his Majesty's subjects in the capital, principal or stock of any such foreign company, society or corporation as aforesaid, then every such person, making such discovery, shall have and receive, out of the forfeitures arising or to arise upon or by virtue of this act, by from and out of the estate or estates of such person and persons so interested or concerned in any such foreign company, society or corporation as aforesaid, one moiety or half-part of the clear amount of such forfeitures; and the court, in which the prosecution against such offender or offenders shall be commenced, shall have full power and authority, and are hereby directed to award to the person making such discovery, such reward as aforesaid.

Subjects (ex-
cept lawfully
authorized)
going to the
East-Indies,
guilty of a mis-
demeanor.

VI. And it is hereby further enacted by the authority aforesaid, That if any person or persons, subject or subjects to his Majesty, his heirs or successors (other than such as are lawfully authorized thereunto) shall at any time or times from and after the four and twentieth day of *June* in the year of our Lord one thousand seven hundred and twenty four, go, sail, or repair to, or be, or be found in or at the *East-Indies*, or any the places aforesaid, every person and persons so offending are, and are hereby declared to be guilty of a high crime and misdemeanor, and shall and may be prosecuted for the same in any of his Majesty's courts of record at *Westminster*, wherein no *essoyn*, *wager of law* or *protection* shall be allowed, nor any more than one *imparlance*; and such person and persons so offending, being convicted thereof, shall be liable to such corporal punishment or imprisonment, or to such fine, as the court where such prosecution shall be commenced shall think fit; one moiety of such fine to be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him or them that shall inform and sue for the same.

Penalty.

Offenders may
be seized,

VII. And it is hereby further enacted by the authority aforesaid, That all and every person and persons so offending, shall and may be seized and brought to *England*, and it shall and may be lawful to and for any one or more of his Majesty's justices of the peace, and they are hereby authorized and required to commit all and every such person and persons to the next county gaol, there to remain until sufficient security be given by natural-born subjects or denizens, to appear in the court where such suit or prosecution shall be commenced or depending, to answer the same, and not to go or depart out of court, or out of this kingdom, without the leave of the said court.

and commit-
ted till securi-
ty, &c.

VIII. And to the intent that this act, and the laws heretofore made for encouraging, settling and securing; or for better securing the lawful trade of his Majesty's subjects to and from
the

the *East-Indies* and parts aforesaid, may more effectually be put in execution; be it further enacted by the authority aforesaid, That a *capias* in the first process shall and may issue upon any bill, plaint, indictment or information, commenced, found, filed or prosecuted, for, upon or by reason of any the offences mentioned in this act, or in any other act or acts made for the encouraging, settling, securing, or better securing the lawful trade of his Majesty's subjects to and from the *East-Indies* and parts aforesaid; or for preventing all or any unlawful trade thereto or therefrom; which *capias* shall specify the sum of the penalty sued for; and such offender and offenders shall be obliged to give sufficient bail or security by natural-born subjects or denizens, to the person or persons to whom such *capias* shall be directed, to appear in the court, out of which such *capias* shall issue at the day or return of such writ, to answer such suit or prosecution; and shall likewise, at the time of such appearing, give sufficient bail or security by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence and offences, in case he, she or they shall be convicted thereof, or to yield his, her or their body or bodies to prison.

A *capias* in the first process may issue on bills filed for any of these offences.

Offenders to give bail by natural-born subjects.

IX. And it is hereby further enacted by the authority aforesaid, That all and every the offence and offences committed or done against this act, or against one act made in the ninth year of the reign of his late majesty King *William*, intituled, *An act for raising a sum, not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East-Indies*, or against one other act made in the fifth year of the reign of his present Majesty, intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the East-Indies; and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions*, or against one other act made in the seventh year of the reign of his present Majesty, intituled, *An act for the further preventing his Majesty's subjects from trading to the East-Indies under foreign commissions; and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal and the isle of Thanet*, shall and may, from and after the fourteenth day of *June* in the year of our Lord one thousand seven hundred and twenty three, be laid or alledged to be in the city of *London* or county of *Middlesex*, at the pleasure of the informer or prosecutor.

Offences against this act, and the other acts here enumerated, may be laid in London or Middlesex.

9 & 10 W. 3. c. 44.
5 Geo. 1. c. 21.

7 Geo. 1. stat. 1. c. 21.

X. And it is hereby further enacted by the authority aforesaid, That this act, and also the said acts made in the fifth and seventh years of his said present Majesty's reign, in all and every the clauses, articles and parts thereof, shall be and be deemed, construed and adjudged to be publick acts, to all intents and purposes whatsoever: and furthermore, that the said act made in the fifth year of his said Majesty's reign, shall stand, continue and be in full force and virtue for seven years, to be computed from the five and twentieth day of *March* one thousand

This act, and 5 Geo. 1. c. 21. and 7 Geo. 1. stat. 1. c. 21. publick acts.

Act 5 Geo. 1. continued for seven years, &c.

land

Further con-
tinued by 20
Geo. 2. c. 47.

If the com-
pany first in-
form, the part
of the for-
feitures shall
devolve upon
them.

If suit be com-
menced on the
former acts,
offenders not
to be sued on
this act, except
by bill of com-
plaint.

said seven hundred and twenty three, and from thence to the end of the then next session of parliament, and no longer; any thing therein contained to the contrary thereof in any wise notwithstanding.

XI. And it is hereby further enacted by the authority aforesaid, That in case the said united company shall first inform, sue or prosecute for any of the offences committed contrary to all or any the laws or statutes made for encouraging, settling or securing to the said company the lawful trade to and from the *East-Indies*, or for preventing any unlawful trade thereto or therefrom, that then the part, share and proportion of the penalties and forfeitures otherwise given or appointed, in and by any of the said acts, to any other person or persons that should sue or inform for the same, shall devolve upon, and be to the use of the said united company, although such information, suit or prosecution be commenced by the said company after the time limited by law for the suit, prosecution or information of the common informer is elapsed.

XII. Provided always, That if any suit or prosecution shall be commenced upon or by virtue of any the aforesaid former act or acts, then and in such case the offender or offenders shall not be sued or prosecuted upon this act, or any branch or article thereof, except such suit or prosecution be by bill or bills of complaint in the said courts of chancery or exchequer.

C A P. XXVII.

An act for preventing journeymen shoemakers selling, exchanging or pawning boots, shoes, slippers, cut leather or other materials for making boots, shoes or slippers, and for better regulating the said journeymen.

WHEREAS great frauds and abuses are frequently practised by journeymen shoemakers, and others employed as such in the art or mystery of cordwainers, and their accomplices, in purloining, imbezilling, selling, pawning or exchanging for worse, the good leather, and other materials delivered to or entrusted with them, for making boots, shoes, slippers and other wares; and it is necessary to make further provision for discovering and punishing such offences, and for better regulating the said journeymen: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any journeyman shoemaker or other person hired or employed as such, within the bills of mortality, shall, after the twenty-fourth day of June in the year of our Lord one thousand seven hundred and twenty-three, be accused by the master so hiring or employing such journeyman or other person aforesaid, of having, after the said twenty-fourth day of June one thousand seven hundred and twenty-three, fraudulently purloined, embezilled, sold, pawned or exchanged,

ed, any boots, shoes, slippers, cut leather, lace, silk, lasts or other materials for making boots, shoes, slippers or other wares, not being the proper goods of the person so accused, it shall and may be lawful to and for any one or more of his Majesty's justices of the peace for the county, city, town or place where such offence shall be committed, or where the party so accused shall reside or inhabit, and such justice or justices is and are hereby respectively authorized and required, upon complaint or information upon oath of such offence (which oath or oaths such justice or justices is and are hereby impowered to administer) to summon the party or parties complained of, or to issue his or their warrant or warrants, to apprehend and bring before him or them the person or persons so accused, complained of or suspected, and upon his or their appearance, or default to appear, to proceed to examine the matter of fact with which they are charged, and upon due proof thereof made, either by confession of the party or parties so accused, or upon the oath or oaths of one or more credible person or persons, to determine the same, and to convict the offender or offenders, and upon such conviction immediately to award to the party or parties injured, reasonable recompence and satisfaction for the damage, loss and charges by them sustained, and upon the neglecting or refusing immediately to pay the same, to levy the same by warrant or warrants, under the hand and seal, or hands and seals of such justice or justices, upon the goods and chattels of the offender or offenders, rendering the overplus to the owner or owners thereof, and for want of sufficient distress, to cause the offender or offenders to be whipt in the parish or place where the offence shall be committed; and in case of conviction for any second or other such offence, to commit the offender or offenders to the house of correction, there to remain and to be kept to hard labour, for any time not exceeding one month, nor less than fourteen days, as to such justice or justices shall seem meet and reasonable.

II. And for the more effectual deterring and punishing accomplices and confederates in the said frauds and abuses, be it enacted by the authority aforesaid, That all and every person and persons who shall, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty three, buy or receive, or take in pawn, of or from any journeyman shoemaker, or other person hired or employed as such, in manner as aforesaid, or from any other person whatsoever, any boots, shoes, slippers, cut leather, lace, silk, lasts or other materials for makings boots, shoes, slippers or other wares, not being the proper goods of the person or persons selling or pawning, or offering to sell or pawn the same, shall for every such offence (being lawfully convicted thereof, in manner as aforesaid) make such reasonable recompence within two days after the matter of fact shall be determined, as upon hearing of the same shall be awarded, in manner as aforesaid, or else be subject to such distress, and for want of sufficient distress, to be liable to the like punishment.

On due proof of journeyman's purloining boots, &c. a justice may convict him.

and may award satisfaction for damage sustained,

which may be levied by distress.

and may be liable to the same punishment.

punish-

punishment as is hereby inflicted, or intended to be inflicted on such journeyman, journeymen or other person or persons, so purloining, imbezilling, selling, pawning or exchanging such goods or materials as aforesaid.

Justices may issue warrants, &c. to search for leather, &c. purloined.

III. And for the more effectual discovering where any such leather or other materials as aforesaid, which from and after the said twenty fourth day of *June* one thousand seven hundred and twenty three, shall be fraudulently sold, exchanged or pawned; be it enacted by the authority aforesaid, That it shall and may be lawful for any two or more of his Majesty's justices of the peace, dwelling within the limits aforesaid, upon any complaint or information upon oath, to issue their warrant or warrants for searching in the day-time, the house, warehouse or other place of such person or persons, as such justices shall have just cause to suspect to have received, bought or taken to pawn, any such goods so fraudulently embezilled or purloined as aforesaid, and for that purpose, upon refusal, to break open any such house, warehouse or other place, if there shall be occasion; and that every person who shall oppose and hinder such search, shall, for every such offence, forfeit the sum of ten pounds to any person or persons who shall inform and sue for the same, within two calendar months after the offence committed, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection, order of restraint, wager of law, or more than one imparlance shall be granted or allowed; and if it shall appear by the oath of one or more credible witness or witnesses, or upon search of such house, warehouse or other place it shall be found such person or persons hath or have in his, her or their custody or possession any such goods so fraudulently sold, exchanged or pawned as aforesaid, such justices shall cause the same to be restored to the owner or owners, proprietor or proprietors thereof, and oblige the party or parties so offending, to make recompence and satisfaction to such owner, for the loss and damage in detaining such goods, and charges in getting the same, and upon refusal of the party or parties so to do, to be subject to the like punishment as shall be inflicted, or hereby provided to be inflicted; on such journeyman or agent, or other person so fraudulently embezilling, purloining, selling, exchanging or pawning any such goods as aforesaid.

And may cause pawned goods to be restored to owners.

Persons retained by a new master before the work delivered by a former is done, shall be sent to the house of correction.

IV. And for the better regulating the said journeymen shoemakers, be it further enacted by the authority aforesaid, That all and every person and persons who shall at any time hereafter be retained or employed in the making up of any boots, shoes and slippers, or other wares, for any one master, and shall neglect the performance thereof, by suffering himself to be retained or employed by any other master, or other person whatsoever, before he or they shall have completed the same, and finished the said work first delivered to him or them, then in every such case, every person so offending, being thereof lawfully

fully convicted by the oath or oaths of one or more credible witnesses or witnesses, before one or more justice or justices of the peace where the offences shall be committed, the person or persons so convicted shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

V. Provided always, That it shall and may be lawful for any person aggrieved by any order or orders to be made by any such justice or justices, to appeal to the next quarter-sessions of the peace, to be holden for the county, city, town or place where such order shall be made, giving eight days notice of such appeal, and such justices at their quarter-sessions shall hear the * master, and shall have power to make satisfaction to either party, as to them shall seem just, whose determination therein shall be final.

Persons aggrieved may appeal to the sessions.

* So in the record.

C A P. XXVIII.

An act for more effectual execution of justice in a pretended privileged place in the parish of Saint George in the county of Surrey, commonly called the Mint; and for bringing to speedy and exemplary justice such offenders as are therein mentioned; and for giving relief to such persons as are proper objects of charity and compassion there.

WHEREAS it is notorious, that many evil-disposed and wicked persons have, in defiance of the known laws of this realm, and to the great dishonour thereof, unlawfully assembled and associated themselves in and about a certain place in the parish of Saint George in the county of Surrey, commonly called or known by the name of Suffolk-place, or the Mint, and have assumed to themselves (by unlawful combinations and confederacies) pretended privileges, altogether scandalous and unwarrantable, and have committed great frauds and abuses upon many of his Majesty's good subjects, and by force and violence protected themselves, and their wicked accomplices, against law and justice: and whereas it is evident, that an act made in the eighth and ninth years of the reign of his late majesty King William the Third, intituled, An act for the more effectual relief of creditors in cases of escapes, and for preventing abuses in prisons and pretended privileged places, hath not proved effectual within the said place, commonly called Suffolk-place, or the Mint; and it is absolutely necessary, that further provision should be made for more effectually abolishing the pretended privileges aforesaid, and for bringing all offenders in the premises to more speedy and exemplary justice: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall, after the tenth day of October one thousand seven hundred and twenty three, within the said place,

8 & 9 W. 3. c. 27.

punishment as is hereby inflicted, or intended to be inflicted on such journeyman, journeymen or other person or persons, so purloining, imbezilling, selling, pawning or exchanging such goods or materials as aforesaid.

Justices may issue warrants, &c. to search for leather, &c. purloined.

III. And for the more effectual discovering where any such leather or other materials as aforesaid, which from and after the said twenty fourth day of *June* one thousand seven hundred and twenty three, shall be fraudulently sold, exchanged or pawned; be it enacted by the authority aforesaid, That it shall and may be lawful for any two or more of his Majesty's justices of the peace, dwelling within the limits aforesaid, upon any complaint or information upon oath, to issue their warrant or warrants for searching in the day-time, the house, warehouse or other place of such person or persons, as such justices shall have just cause to suspect to have received, bought or taken to pawn, any such goods so fraudulently embezilled or purloined as aforesaid, and for that purpose, upon refusal, to break open any such house, warehouse or other place, if there shall be occasion; and that every person who shall oppose and hinder such search, shall, for every such offence, forfeit the sum of ten pounds to any person or persons who shall inform and sue for the same, within two kalendar months after the offence committed, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection, order of restraint, wager of law, or more than one imparlance shall be granted or allowed; and if it shall appear by the oath of one or more credible witness or witnesses, or upon search of such house, warehouse or other place it shall be found such person or persons hath or have in his, her or their custody or possession any such goods so fraudulently sold, exchanged or pawned as aforesaid, such justices shall cause the same to be restored to the owner or owners, proprietor or proprietors thereof, and oblige the party or parties so offending, to make recompence and satisfaction to such owner, for the loss and damage in detaining such goods, and charges in getting the same, and upon refusal of the party or parties so to do, to be subject to the like punishment as shall be inflicted, or hereby provided to be inflicted; on such journeyman or agent, or other person so fraudulently embezilling, purloining, selling, exchanging or pawning any such goods as aforesaid.

And may cause pawned goods to be restored to owners.

Persons retained by a new master before the work delivered by a former is done, shall be sent to the house of correction.

IV. And for the better regulating the said journeymen shoemakers, be it further enacted by the authority aforesaid, That all and every person and persons who shall at any time hereafter be retained or employed in the making up of any boots, shoes and slippers, or other wares, for any one master, and shall neglect the performance thereof, by suffering himself to be retained or employed by any other master, or other person whatsoever, before he or they shall have completed the same, and finished the said work first delivered to him or them, then in every such case, every person so offending, being thereof lawfully

fully convicted by the oath or oaths of one or more credible witness or witnesses, before one or more justice or justices of the peace where the offences shall be committed, the person or persons so convicted shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

V. Provided always, That it shall and may be lawful for any person aggrieved by any order or orders to be made by any such justice or justices, to appeal to the next quarter-sessions of the peace, to be holden for the county, city, town or place where such order shall be made, giving eight days notice of such appeal, and such justices at their quarter-sessions shall hear the * master, and shall have power to make satisfaction to either party, as to them shall seem just, whose determination therein shall be final. Persons aggrieved may appeal to the sessions. * So in the record.

C A P. XXVIII.

An act for more effectual execution of justice in a pretended privileged place in the parish of Saint George in the county of Surrey, commonly called the Mint; and for bringing to speedy and exemplary justice such offenders as are therein mentioned; and for giving relief to such persons as are proper objects of charity and compassion there.

WHEREAS it is notorious, that many evil-disposed and wicked persons have, in defiance of the known laws of this realm, and to the great dishonour thereof, unlawfully assembled and associated themselves in and about a certain place in the parish of Saint George in the county of Surrey, commonly called or known by the name of Suffolk-place, or the Mint, and have assumed to themselves (by unlawful combinations and confederacies) pretended privileges, altogether scandalous and unwarrantable, and have committed great frauds and abuses upon many of his Majesty's good subjects, and by force and violence protected themselves, and their wicked accomplices, against law and justice: and whereas it is evident, that an act made in the eighth and ninth years of the reign of his late majesty King William the Third, intituled, An act for the more effectual relief of creditors in cases of escapes, and for preventing abuses in prisons and pretended privileged places, hath not proved effectual within the said place, commonly called Suffolk-place, or the Mint; and it is absolutely necessary, that further provision should be made for more effectually abolishing the pretended privileges aforesaid, and for bringing all offenders in the premisses to more speedy and exemplary justice: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall, after the tenth day of October one thousand seven hundred and twenty three, within the said place,

Persons opposing the execution of writs, how to be punished.

commonly called *Suffolk-place*, or the *Mint*, in the parish of *Saint George* in the county of *Surrey*, or within any the limits, or pretended limits thereof, knowingly and wilfully obstruct or oppose any person or persons, serving, or endeavouring or attempting to serve or execute any writ, or any rule or order of any court of law or equity, or other legal process whatsoever, or any escape-warrant or any warrant or warrants of any justice or justices of the peace, or shall assault or abuse any person or persons serving or executing any such writ, rule, order, process or warrant, or for having so done, whereby any such person or persons shall receive any damage or bodily hurt, every person so knowingly and willingly offending in the premises, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported to some or one of his Majesty's colonies or plantations in *America*, by such ways, means and methods, and in such manner, and for such time, and under such pains and penalties, as felons in other cases are by law to be transported.

II. And be it enacted by the authority aforesaid, That after the tenth day of *October* one thousand seven hundred and twenty three, upon any complaint or complaints at any time or times to be made to any three or more justices of the peace of the county of *Surrey*, by any person or persons, who have or hath, or shall have any debt or debts, sum or sums of money, due or owing to him, her or them, from any person or persons now being, or which hereafter shall be or reside within the said place or places, commonly called *Suffolk-place*, or the *Mint*, or within any the limits, or pretended limits thereof (such creditor having any legal writ or process taken out for prosecuting recovery, or levying any such debt or debts, sum or sums of money, and making oath before such justices of the peace, or any of them, that a debt or debts, exceeding fifty pounds at the least, is justly due to him, her or them, from the person or persons against whom such complaint shall be made, and that such creditor verily believes, that such person or persons doth then reside or remain within such place or places as aforesaid) it shall and may be lawful to and for the said justices of the peace, or any three or more of them, and they are hereby authorized and empowered, in all and every such case and cases (if they in their discretions shall find it to be requisite) to issue their warrant or order, from time to time, to the sheriff of the county of *Surrey*, or to the bailiff of the liberty of the borough of *Southwark*, for the time being, thereby strictly enjoining and requiring him or them, his or their respective deputy or deputies, officer or officers (under such penalty, as by this act is prescribed for non-performance of his or their duty therein) to raise and take the *posse comitatus*, or such other power or force, as to the said justices, or any three or more of them, shall seem requisite, and enter the said pretended privileged place, called *Suffolk-place*, or the *Mint*, and the limits, or pretended limits thereof, and every or any part thereof, and to arrest,

Justices may issue warrants to the sheriff, &c. for raising the posse, &c. to arrest, &c. Persons owing above 50 l.

rest, and in case of resistance or refusal, to open or break open any door or doors to arrest such person or persons, upon any mesne process, or other process, extent or execution, and to seize the goods of any such person or persons, upon any execution or extent; and if any such sheriff or chief bailiff, or any his or their deputy or deputies, officer or officers, or any of them, shall neglect or refuse, upon any such warrant or order, with such force, to use his or their best endeavours for the executing of such process, execution or extent, he or they so neglecting or refusing to execute such process, execution or extent, shall forfeit to the plaintiff or plaintiffs the sum of two hundred pounds, to be recovered by action of debt, or of the case, bill, plaint or information, in which no essoin, protection, wager of law, or more than one imparlance shall be allowed; and if any person or persons shall resist or oppose any officer or officers of justice, or any person or persons, who shall be aiding or assisting to such officer or officers in the execution of any writ, or any escape warrant, or any warrant or warrants of any justice or justices of the peace, or of any legal process, execution or extent, within the said place called *Suffolk-place*, or the *Mint*, or within any the limits, or pretended limits thereof, or shall make *rescous* of any prisoner taken upon any such writ, process, execution or extent, within the place or limits aforesaid, or shall there knowingly harbour or conceal any prisoner so taken, or any person or persons, who rescued any such prisoner, or shall be any ways contriving, or knowingly and willingly abetting, aiding or assisting, in resisting any such officer or officers, or in rescuing any such prisoner or prisoners taken as aforesaid, or shall presume to exercise any unlawful jurisdiction, or make or execute, or join in the making or executing any pretended rule, order or ordinance, for supporting any pretended privilege within the said place called *Suffolk place*, or the *Mint*, or any the limits, or pretended limits thereof, contrary to law, or for opposing or hindering the due execution of any legal process, or any lawful warrant, or any rule, order or decree of any court of law or equity, all and every person and persons so offending, being thereof lawfully convicted upon any indictment or information to be brought or filed within six months after the offence committed, shall be adjudged guilty of felony, and shall be transported to some or one of his Majesty's colonies or plantations in *America*, by such ways, means and methods, and in such manner, and for such time, and under such pains and penalties, as felons in other cases are by law to be transported.

Sheriff, &c. refusing to execute process, forfeits 200 l. to the plaintiff.

Persons opposing officers, &c. shall be transported.

III. *And for more effectually preventing for the future the great and enormous mischiefs and abuses, which have been riotously committed and done within the said place called Suffolk-place or the Mint, or within any the limits, or pretended limits thereof, by wicked persons in vizards, masks, or disguised habits, or having their faces or bodies disguised; be it enacted by the authority aforesaid, That if after the tenth day of October one thousand seven hundred and*

Persons disguised abetting riots, &c. to be deemed felons.

Concealers, &c. to be transported.

• December in the record.

The sum of 40 l. to be paid by the sheriff on conviction of offenders.

Disputes touching the reward, how to be determined.

and twenty three, any person or persons whatsoever, wearing any vizard, mask, or disguised habit, or having his or their face or faces, or body or bodies disguised, shall within the said place called *Suffolk-place*, or the *Mint*, or within any the limits, or pretended limits thereof, join in, or aid or abet any riot or tumult there, or shall, in any vizard, mask, or other disguise whatsoever, knowingly and willingly there oppose the execution of any legal process, order or warrant, or assault and abuse any person or persons serving or executing any such process, order or warrant, or for having so done, all and every such person and persons, being lawfully convicted of any such offence, shall be adjudged guilty of felony, and shall forfeit and suffer as in cases of felony, without benefit of clergy; and all persons aiding, assisting or abetting, or knowingly harbouring or concealing any such disguised person or persons, being thereof convicted, shall be adjudged guilty of felony, and shall be transported to some or one of his Majesty's colonies or plantations in *America*, by such ways, means and methods, and in such manner, and for such time, and under such pains and penalties, as felons in other cases are by law to be transported.

IV. And be it further enacted by the authority aforesaid, That from and after the tenth day of *October* * one thousand seven hundred and twenty-three, all and every person and persons, who shall apprehend and take any person or persons, guilty of any of the offences before mentioned, and prosecute such person or persons until he or they be convicted, shall have and receive, for every such offender so convicted, the sum of forty pounds, to be paid by the sheriff of the county of *Surrey*, without any deduction or fee for the same, within one month after such conviction and demand thereof made, by tendering a certificate to the said sheriff, under the hand or hands of the judge or justices before whom such offender or offenders shall be convicted, certifying the conviction of such offender or offenders, and that he or they were taken by the person or persons claiming the said reward; and in case any dispute shall arise between the persons so apprehending any of the said offenders, touching their right and title to the said reward, that then the said judge or justices, so respectively certifying as aforesaid, shall in and by his and their said certificate, direct and appoint the said reward to and amongst the parties claiming the same, in such shares and proportions, as to the said judge or justices shall seem just and reasonable; and if it shall happen any such sheriff shall die or be removed after such conviction and demand made of the said reward (the same not being paid as aforesaid) that then the next succeeding sheriff of the said county of *Surrey* shall pay the same, within one month after demand, and certificate brought as aforesaid; and if default of payment of the said sum or sums of money shall happen to be made by any such sheriff, the sheriff making default shall forfeit to the person and persons, to whom such money shall be due as aforesaid, double the sum or sums of money such sheriff ought to have paid, to be recovered

vered with double costs of suit by the person or persons aforesaid, or his or their executors or administrators, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed, nor more than one imparlance. &c.

V. And be it further enacted, That in case any person or persons shall happen to be killed by any such offender or offenders, endeavouring to apprehend, or in making pursuit after him or them, that then the executors or administrators, or such person or persons, to whom the right of administration of the personal estate of each person so killed shall belong (upon certificate delivered under the hands and seals of the judge or justices of assize for the county where the fact was done, or the two next justices of the peace, of such person or persons being so killed, which certificate the said judge or justices, upon sufficient proof before him or them made, is and are hereby required immediately to give without fee or reward) shall receive the sum of forty pounds from the sheriff of the county where the said fact was done and committed, and upon failure of payment thereof by the said sheriff, such sheriff shall forfeit double the said sum of forty pounds, to be recovered against him, with double costs of suit, in manner aforesaid.

VI. And it is hereby further enacted, That all sheriffs, their executors or administrators, upon producing such respective certificates, and the receipts for the money by them paid in pursuance of this act, shall be allowed, and are hereby empowered to deduct, upon their accounting with his Majesty, his heirs and successors, all monies (other than the forfeited sum and sums of money, and costs of suit) which they shall disburse as aforesaid, without any fee or reward whatsoever.

VII. Provided always, That if upon the account of any sheriff there shall not be sufficient in the hands of such sheriff to reimburse him such monies paid by him by virtue of this act, that then the sheriff having so paid the said monies, shall have the same repaid by the commissioners of his Majesty's treasury or the lord high treasurer for the time being, out of the revenue of the crown, or by record of surplussage upon any other sheriff indebted to his Majesty, upon certificate from the clerk of the pipe to that effect.

VIII. And be it further enacted by the authority aforesaid, That in case any such apprehender and prosecutor is guilty of any of the offences aforesaid, every such apprehender and prosecutor, not being in prison for any the said offences, and convicting two or more persons of any the offences aforesaid, shall not only have the aforesaid reward of forty pounds, but shall also have, and is hereby entitled to his Majesty's most gracious pardon, for any of the said offences committed at any time or times before discovery made of such other two or more persons so to be convicted as aforesaid.

IX. *And whereas it is notorious, that dangerous riots and tumults have been frequently occasioned, and great mischiefs done by many inhabitants*

On death or removal of the sheriff his successor shall pay the reward, &c.

The executors, &c. of persons killed by offenders, are intitled to the 40 l.

Sheriffs, &c. on producing receipts, are to be allowed the money paid pursuant to this act.

The sheriff how to be reimbursed.

Prosecutor being himself guilty, and not in prison, on convicting two persons, &c. shall have the 40 l. and a pardon.

Charge of raising the posse, how to be de-frayed.

habitants in the said place, commonly called Suffolk-place, or the Mint, unlawfully assembling themselves, and with force opposing the execution of legal process, so that it hath been necessary, for suppressing such riots and tumults, and to enforce due execution of the law, to raise the Posse Comitatus, or some other extraordinary power: be it therefore enacted by the authority aforesaid, That the necessary charge of raising the *Posse Comitatus*, or such other power as aforesaid, for enforcing the due execution of this act, or the said former act, or for better effecting the purposes thereof, shall be paid by the said sheriff, and allowed in his accounts, or be repaid by the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, out of the revenue of the crown, or by record of surplussage upon any other sheriff in debt upon his account, upon certificate from the clerk of the pipe to that effect.

8 & 9 W. 3. c. 27. not repealed by this act.

X. Provided always, That nothing in this act contained, shall be construed to extend to repeal or make void the said recited act of the eighth and ninth years of the reign of his said late majesty king *William* the third, or any other law in force, against pretended privileged places, or for suppressing riots or tumults, but that the same shall, to all intents and purposes, be in full force and effect, as if this act had never been made, except in such cases touching which other provision is made by this act.

XI. *And forasmuch as there may be inhabiting or residing in the said place called Suffolk-Place, or the Mint, or within the limits thereof, some persons, who by misfortunes in trade, or other accidents or calamities, have been reduced to such necessities, as have obliged them to take shelter or protection there; and it may be reasonable and convenient to give some relief to such objects of charity and compassion, upon their faithful discovering upon oath, and delivering up, and assigning all their estates and effects whatsoever, for the benefit of their creditors, as is herein after directed; be it therefore enacted, &c.*

Inhabitants of the Mint assigning over their effects, &c. are to be discharged from arrests, &c. Notice must be given thirty days before the sessions to the creditors of the party petitioning to be discharged. Clerk of the peace to give a duplicate of discharge, on pain of 5l. Inhabitants, &c. perjurying themselves, deemed felons. Persons discharged are not to be imprisoned for debts due before the 11th of February 1722. General issue pleadable. Others than the persons discharged by this act are answerable as before. No discharge good, if not obtained before 10 July 1724. Bankrupts not intitled to the benefit of this act. Discharges fraudulently obtained, void. Petitioner, &c. to leave with the justices a list of his creditors, &c. persons owing more than 50l. &c. not to be discharged. No shelterer to gain a settlement without paying to the poor, or serving an office. EXP.

C A P. XXIX.

An act to enable lords of manors more easily to recover their fines, and to exempt infants and femes covert from forfeitures of their copyhold estates in particular cases.

I. **W**HEREAS some doubts have arisen in the law concerning the power of lords of manors in that part of Great Britain called England, and the dominion of Wales, to seize the copyhold lands, tenements and hereditaments, parcel of their manors, on the neglect or refusal of persons to come in, and be admitted tenants of the same: therefore for ascertaining the law, and providing a reasonable and proper remedy for the lords of manors to compel the admission of their tenants; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That where any person or persons, being under the age of one and twenty years, or feme or femes covert, shall from and after the twenty fourth day of June one thousand seven hundred and twenty three, be entitled, by descent or surrender to the use of a last will, to be admitted tenant or tenants of any copyhold messuages, lands, tenements or hereditaments, within that part of Great Britain called England, or the dominion of Wales, they the said infants or femes covert, not having been admitted there-
Feme coverta and infants may be admitted to copyhold estates by their attorney or guardian.
to, and not having paid their fines, every such infant or feme covert, in their proper persons, or such feme covert by her attorney, or such infant by his or her guardian or guardians, if he or she shall have any such; and in case he or she shall have no guardian or guardians, then by his or her attorney or attorneys (for which purpose such infants and femes covert shall be and are hereby impowered, by writing under his or her hand and seal respectively, to appoint an attorney or attorneys on his or her behalf) shall come to, and appear at, one of the three next courts, which shall be kept (for the keeping whereof the usual notice shall be given) for such manor or manors, whereof such messuages, lands, tenements or hereditaments, shall be parcel, and shall there tender and offer themselves to the lord, or his steward of such courts, to be admitted tenants to all and every the said messuages, lands, tenements and hereditaments so surrendered, descended or come to, or to the use of every such infant or feme covert; to make which appearance, and to take such admittance in behalf of such infant or feme covert, such guardian and attorney shall be, and they are hereby respectively authorized and required: and in default of the appearance of such infants or femes covert, in their own persons, or by their guardians or attorneys in that behalf, and of acceptance of such admittance as aforesaid, it shall and may be lawful to and for the lord or lords of every such manor and manors, or his and their steward and stewards of the courts thereof, after such three several courts have been duly holden for such manor or manors, and proclamations in such several courts been regularly made,

In default of their appearance the lord may appoint a guardian, &c.

Fines of feme covert, &c. in what manner demandable.

If not paid, &c. the lord may enter and receive the profits of the copyhold till he is satisfied, &c.

The lord to account yearly.

to nominate and appoint at any subsequent court or courts, to be holden for such manor or manors, any fit person to be guardian or attorney for every such infant or feme covert for that purpose only, and by such guardian or attorney, to admit every such infant or feme covert to all and every the said messuages, lands, tenements and hereditaments, according to such estates as such infants or femes covert shall be legally entitled to therein; and upon every such admittance, to impose and set such fine and fines, as might have been legally imposed and set, if such infant so admitted had been of full age, or if such feme covert had been sole and unmarried.

II. And be it further enacted by the authority aforesaid, That upon every such admittance or admittances of any infant or feme covert as aforesaid, the fine or fines imposed and set thereupon, shall and may be demanded by the bailiff or agent of the lord or lords of such manors, by a note in writing signed by the lord of such manor, or by his steward, to be left with such infant or feme covert, or with the guardian of such infant, or husband of such feme covert, or with the tenant or occupier of the messuages, lands or tenements, to which such infant or feme covert was admitted; and that if in such case the said fine or fines so imposed and set, be not paid or tendred to such lord or lords, or to his or their steward or stewards, within three months after such demand made, that then it shall and may be lawful to and for the lord or lords of such manor or manors, where such admittance or admittances are had, to enter into and upon all and every the copyhold messuages, lands, tenements and hereditaments, to which any such infant or feme covert shall be so admitted, and to hold and enjoy the same, and to receive the rents, issues and profits thereof, but without liberty to fell any timber standing thereon, for so long time only and until by such rents, issues and profits, such lord or lords, shall be fully paid and satisfied such fine and fines, together with all reasonable and necessary costs and charges, which such lord or lords shall have been put unto in levying and raising the same, and in obtaining the possession of such copyhold messuages, lands, tenements and hereditaments, although such infant or feme covert shall happen to die before such fine and fines, and the costs and charges aforesaid, shall be raised and collected; of all which rents, issues and profits, so to be received by such lord or lords of such manor or manors, or his or their stewards, bailiffs or servants, upon the occasion aforesaid, such lord or lords of such manor or manors, shall yearly and every year, upon demand to be made by such person or persons, who shall be entitled to the surplus of the rents and profits, over and above what will pay and satisfy such fine and costs and charges, so received as aforesaid, or by such person or persons, as shall be then entitled to such copyhold estate, give and render a just and true account, and shall pay the said surplus rents, issues and profits, if any, to such person and persons, as shall be respectively intitled to the same.

III. And it is hereby further enacted by the authority aforesaid, That as soon as such fine or fines, and the costs, charges and expences aforesaid, shall be fully paid and satisfied, or if after such seizure of, and entry upon such copyhold lands, tenements or hereditaments, for the purposes aforesaid, such fine or fines, and the costs and charges aforesaid, shall be lawfully tendred and offered to be paid and satisfied to the lord or lords of such manor or manors, that then in any of the said cases, it shall and may be lawful to and for such infant or feme covert, or other person entitled thereto, to enter upon, and take possession of, and hold the said copyhold premises, according to such estate or interest, as he or she shall be lawfully entitled to therein, and the lord and lords of such manor or manors shall, and is and are hereby required, in any of the said cases to deliver possession thereof accordingly; and if such lord or lords of such manor, after such fine or fines, and the costs and charges aforesaid shall be fully paid and satisfied, or after the same shall have been tendred or offered to be paid as aforesaid, shall refuse to deliver the possession of the said copyhold premises as aforesaid, he or they shall be liable to, and shall make satisfaction to the person or persons so kept out of possession, for all the damages that he or she shall thereby sustain, and all the costs and charges that he or she shall be put unto for recovery thereof.

And shall deliver up possession on satisfaction of the fines.

IV. And be it further enacted by the authority aforesaid, That where any infant or feme covert shall be admitted to any copyhold messuages, lands, tenements or hereditaments, if the guardian of such infant, or husband of such feme covert, shall pay to the lord or lords of any manor or manors, the fine or fines legally imposed and set upon such admittance or admittances, and the costs and charges which such lord of such manors shall have been put unto as aforesaid, that then it shall and may be lawful to and for every guardian of such infant, or husband of such feme covert, their executors and administrators, to enter into, and to hold and enjoy all and every the said copyhold messuages, lands, tenements and hereditaments, to which such infant or feme covert shall be so admitted, and the rents, issues and profits thereof to receive and take to his and their own use, until thereby such guardian of such infant, or husband of such feme covert, their executors and administrators, shall be fully satisfied and paid all and every such sum and sums of money, as they shall respectively pay and disburse upon the account aforesaid, notwithstanding the death or deaths of such infants or femes covert shall happen before such sum or sums of money so expended shall or may be so raised and reimbursed.

Guardians or husbands paying fines, may reimburse themselves out of the rents of the copyhold.

V. Provided always, and be it enacted by the authority aforesaid, That from and after the aforesaid twenty fourth day of *June* one thousand seven hundred and twenty three, no infant or feme covert shall forfeit any copyhold messuages, lands, tenements or hereditaments, within that part of *Great Britain* called *England*, and the dominion of *Wales*, for their neglect

No forfeiture to be incurred by feme coverts, &c. for not appearing, or refusing to pay fines.

or refusal to come to any court or courts to be kept for any manor or manors, whereof such messuages, lands, tenements or hereditaments are parcel, and to be admitted thereto, nor for the omission, denial or refusal of any such infant or feme covert, to pay any fine or fines, imposed or set upon their or any of their admittances to any such copyhold messuages, lands, tenements or hereditaments; any law, usage or custom to the contrary thereof notwithstanding.

Fines not warranted by custom, &c. may be controverted.

VI. Provided nevertheless, That if the said fine or fines, imposed in any of the cases before-mentioned, shall not be warranted by the custom of the manor, or shall be unlawful, that then such infant or feme covert shall be at liberty to controvert the legality of such fine or fines, in such manner as he or she might have done, if this act had never been made; any thing herein contained to the contrary notwithstanding.

C A P. XXX.

An act for compleating the repairs of the harbour of Dover, in the county of Kent; and for restoring the harbour of Rye, in the county of Sussex, to its antient goodness.

This act is made more effectual by 10 Geo. 1. c. 7.

11 and 12 W. 3. c. 5.

2 Ann. c. 7.

4 Geo. 1. c. 13.

I. **W**HEREAS the repairing and keeping clean the harbours of this kingdom is of great use and benefit to trade and navigation: And whereas, for repairing the harbour of Dover, in the county of Kent, an act was made in the eleventh and twelfth years of the reign of his late majesty King William the third, of glorious memory, intituled, an act for the repair of Dover harbour, whereby a duty of three pence per tun was laid upon all such ships and vessels as are therein described, for raising the sum of thirty thousand and one hundred pounds; which said duty was to commence from the first day of May in the year of our Lord one thousand seven hundred, and to continue to the first day of May in the year of our Lord one thousand seven hundred and nine: and whereas the said act was, by another act made in the second year of the reign of her late majesty Queen Anne, continued from the thirtieth day of April one thousand seven hundred and nine, until the first day of May one thousand seven hundred and eighteen: and the said two acts are, by another act made in the fourth year of his present Majesty's reign, further continued from the said first day of May one thousand seven hundred and eighteen, until the first day of May one thousand seven hundred and twenty-seven: and whereas it is found, that the said sum of thirty thousand and one hundred pounds is not sufficient for the purposes of the said acts (several breaches, and other unforeseen accidents, having happened by storms, and the rage of the sea, and extraordinary works having been found necessary to be done for securing the said harbour) so that, unless a further sum be raised, the said harbour cannot be effectually repaired and secured, according to the intent of the said acts, but the useful works, already begun and carried on for the benefit of the publick, will be wholly lost, and the said harbour again fall to decay, and the town itself be in danger of being utterly lost and destroyed: and whereas the antient harbour of Rye in the county

ty of Suffex, formerly of great use and benefit to trade and navigation, is at present choked up, and almost ruined by the stifling of the beach without, and settling of the fullage within, and by stopping the flux of the tide, so that for preventing the utter loss of the said harbour, it is necessary to open the same, and to let the tide have free course through certain sluices near to the said harbour, call'd Scotch flat and Craven sluices, in the present channels to the drowned lands between Blackwall and Maytham, in the said counties of Kent and Suffex, or into such other cut or channel, as shall be found most proper and expedient to restore the said Harbour: to the end therefore that the said works at Dover harbour may be completed and finished, and the same harbour be effectually repaired and secured; and to the end the said harbour of Rye may be repaired and restored to its antient goodness, and secured for the benefit of trade and navigation; may it please your Majesty, that it may be enacted, &c.

The acts 11. & 12. W. 3. and 2 Ann. shall continue from the first of May 1723, until the first of May 1744. Eleven trustees may act, may remove bridges, &c. and contract with workmen. Trustees and guardians, &c. may sell, and are indemnified for acts done in pursuance of this statute. Commissioners are to issue warrants for returning of juries. Who are to inquire into the value of the lands to be used, &c. in repairs of the harbour; their verdict, &c. with notice in writing, &c. to bind all parties interested. On tender, &c. of consideration money, and refusal, trustees may use the lands, &c. Commissioners may borrow money, and assure the duties for a security. Commissioners may appoint receivers for the duties. The accounts to be laid before the justices at the sessions: who may impose fines for misapplications, &c. Receivers, &c. refusing to lay their accounts before the justices, &c. are to be fined. No person shall empty dust, &c. into the harbour, on pain of 40s. Commissioners dying or refusing to act, others shall be chosen in their room. Commissioners shall have no place of profit arising by the duties. When the harbour is repaired, the duties shall cease. The work shall not be carried on to the damage of the lands adjoining. *Continued by 12. Geo. 2. c. 7.*

C A P. XXXI.

An act for repairing the highways from the city of Gloucester to the top of Birdlip-hill, (being the road to London) and from the foot of the said hill to the top of Crickley-Hill, (being the road to Oxford) and to oblige those concerned in the receipt or payment of any monies, by virtue of an act of the ninth and tenth years of his late majesty King William, touching the repairing the said highways, to account for the same to the trustees appointed by this act.

The toll granted by this act takes place from the first of May 1723, for 21 years. *Continued by 16 Geo. 2. c. 21.*

C A P. XXXII.

An act for confirming articles of agreement between the principal officers of the ordnance and Thomas Miffing, esq; for exchange of some lands at Portsmouth for the service of his Majesty.

Anno Regni GEORGII I. Regis Magnæ Britannicæ, Franciæ & Hiberniæ, decimo.

AT the parliament begun and holden at Westminster, the ninth day of October, Anno Domini one thousand seven hundred and twenty two, in the ninth year of the reign of our sovereign lord GEORGE, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the ninth day of January one thousand seven hundred and twenty three; being the second session of this present parliament.

CAP. I.

An act for granting an aid to his Majesty by a land tax in Great Britain, to be raised for the service of the year one thousand seven hundred and twenty four. E X P. 25, in the Pound.

CAP. II.

EXP.

An act for continuing the duties on malt, mum, cyder and perry to raise money by way of a lottery, for the service of the year one thousand seven hundred and twenty four; and touching lost bills, tickets, certificates or orders; and for giving further time for payment of the duties on money given with apprentices; and for appropriating the supplies granted in this session of parliament.

CAP. III.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. E X P.

CAP. IV.

An act for explaining and amending an act of the last session of parliament, intituled, an act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his Majesty's person and government, by several acts herein mentioned, to register their names and real estates, and for enlarging the time for taking the said oaths, and making such registers, and for allowing farther time for the enrollment of deeds or wills made by papists, which have been omitted to be enrolled, pursuant to an act of the third year of his Majesty's reign; and also for giving relief to protestant lessees.

9 Geo. 1. c. 24.

WHEREAS in and by an act passed in the last session of parliament, intituled, an act to oblige all persons, being papists in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the

the security of his Majesty's person and government, by several acts herein mentioned, to register their names and real estates, *It is (amongst other things) enacted, That all and every person and persons whatsoever inhabiting in that part of Great Britain called England, Wales, or town of Berwick upon Tweed, who should be at the age of eighteen years or upwards, not having, before the making of the said act, taken the oaths appointed to be taken in and by an act made in the first year of his Majesty's reign, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown* ^{1 Geo. 1 stat.}
in the heirs of the late princeſs Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and who should neglect or refuse to take the said oaths on or before the twenty fifth day of December one thousand seven hundred and twenty three, in any of his Majesty's courts of record at Westminster, or at the general or quarter-sessions for the county, city, town, liberty or division where such person or persons should live or inhabit, should, on or before the twenty fifth day of March one thousand seven hundred and twenty four, register or cause to be registered, their respective names and real estates, in such and the same manner and form as papists were obliged and directed to register their names and real estates, in and by an act passed in the first year of his Majesty's reign, intituled, an act to oblige papists to register their names and real estates, and also by another act, made and passed in the third year of his said Majesty's reign, intituled, an act for explaining an act passed in the last session ^{2. c. 13.}
of parliament, intituled, an act to oblige papists to register their names ^{1 Geo. 1. stat.}
and real estates; and for enlarging the time for such registering, and ^{2. c. 55.}
for securing purchases made to the protestants, and the said respective officers appointed by the said last mentioned acts, passed in the first and third years of his Majesty's reign, appointed and directed to take and receive the registers of the names and real estates of such papists, were by the said act of the last session of parliament authorized and required to take and receive the register of the names and real estates, which were by virtue of the said last mentioned acts appointed to be registered, in such and the same manner and form, as by the said other acts were prescribed in relation to papists, and should sign and return true copies of the same into his Majesty's court of exchequer at Westminster, on or before the twenty ninth day of September one thousand seven hundred and twenty four: and it is by the said act further enacted, That all and every papist; or reputed papist, or other person or persons professing the popish religion, and all and every other person or persons whatsoever, inhabiting in that part of Great Britain called Scotland, who should be at the age of eighteen years or upwards, not having, before the making of the said act, taken and subscribed the oath of allegiance, subscribed the assurance, and taken and signed the oath of abjuration, as directed to be taken and subscribed by such persons, who bore any office under his Majesty by the aforesaid act made in the first year of his Majesty's reign, intituled, an act for the further security of his Majesty's person and government, ^{3 Geo. 1. c. 18}
and the succession of the crown in the heirs of the late princeſs ^{7 Geo. 1 stat.}
Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and who should neglect or refuse to take and subscribe the said oaths, and subscribe the said assurance, on or before the twenty fifth day of March one thousand seven hundred and twenty four, before and in the court of the lords of session, or the court of judicatory, or the court of exchequer in Scot- ^{2. c. 13.}
land,

land, or before the justices of the peace at their quarter-sessions, held for the county, shire, stewartry, city, burgh, town or liberty where such person or persons should live or inhabit; or before sheriffs or stewarts, or their deputies, in open court, held for such shire, stewartry, city or borough respectively, where such person or persons should live or inhabit as aforesaid, every such papist, reputed papist, or person professing the popish religion, and all and every such other person or persons who should neglect or refuse to take and subscribe the said oaths, and subscribe the said assurance by the time aforesaid, should, on or before the twenty fourth day of June one thousand seven hundred and twenty four, register or cause to be registered their respective names and real estates in the sheriff's court of such shire or county wherein their estates did respectively lie, in the same manner and form as papists, in that part of Great Britain called England, were obliged and directed to register their names and real estates in and by an act passed in the first year of his Majesty's reign, intituled, an act to oblige papists to register their names and real estates, and also by another act, made and passed in the third year of his Majesty's reign, intituled, an act for explaining an act, passed in the last session of parliament, intituled, an act to oblige papists to register their names and real estates; and for enlarging the time for such registering; and for securing purchases made by protestants, and the said respective sheriffs, or sheriffs deputies, were, by the said act of the last session of parliament, directed and required to take and receive such registrations as were thereby required to be made, and keep such books, and make such entries, as the clerks of the peace of the several counties, within that part of Great Britain called England, were, by virtue of the aforesaid act of the first year of his Majesty's reign, intituled, an act to oblige papists to register their names and real estates, directed and required to keep and make, and should sign and return true copies of such registrations into his Majesty's court of exchequer in Scotland, on or before the twenty fourth day of December one thousand seven hundred and twenty four; and it is by the said act further enacted, That in case any person or persons, who was or were thereby directed and required to take and subscribe the oaths and assurance respectively as aforesaid; or for want thereof, to register his, her or their names, and real estates, should not take and subscribe such oaths and assurances respectively, or register or cause to be registered their names and real estates, in such manner as in the said act before is directed, within the respective times therein limited and appointed for the doing thereof; then, and in every such case, the person or persons neglecting or refusing to take and subscribe such oaths and assurance respectively, or for want thereof to make such registry as aforesaid, should forfeit the fee-simple and inheritance of, or such estate and interest in all such lands, tenements and hereditaments not registered, whereof he, she or they, or any person or persons in trust for him, her or them, was or were seized in fee-simple, or otherwise interested in at the time of such default as aforesaid, two third parts thereof to the King, and the other third part thereof to such person or persons, being a protestant or protestants, who should sue for such forfeited lands, tenements or hereditaments as should lie in England, the dominion of Wales, and town of Berwick upon Tweed, in any such court, and by such ways or means as were directed by the said therein recited act to oblige papists to register their names and real estates, and should sue in his Majesty's court of exchequer in Scotland for such forfeited lands tenements or hereditaments as should lie in that part of Great Britain

tain called Scotland: and whereas the greatest part of the persons required by the said act to take the aforesaid oaths, on or before the said five and twentieth day of December, have, in testimony of their loyalty to his Majesty, and their zeal and affection for his sacred person and government, and the protestant succession in his royal house, and in obedience to the said act, taken the said oaths; but by reason of the shortness of the time allowed for that purpose, many persons have been prevented from taking the same: and the time limited for taking and subscribing the said oaths, and subscribing the said assurance, within that part of Great Britain called Scotland, has been found not to be sufficient; and divers doubts and questions have arisen, and may hereafter arise upon the said recited act, as well in respect of the description of the persons thereby required to take the said oaths, or to take and subscribe the said oaths, and subscribe the said assurance, as of the consequences and effects of the penalties and forfeitures thereby inflicted: now, for the taking away and quieting all such doubts and questions, and for the preventing all inconveniencies that might happen by means thereof; be it enacted and declared, &c.

No woman obliged to take the oaths, &c. nor reverfioners, &c. Persons indemnified from penalties, &c. for not having taken oaths, &c. Tho's that have neglected to take the oaths, &c. taking them on or before 23 Novem. 1724, discharged from registering, &c. And in default to register their names, &c. on or before 24 June 1725. Clerks of the peace in England to return copies of registers into the exchequer by 29 Sept. 1725, and the keeper of the general registry in Scotland to do the like there. Penalty on persons that have not already taken, and shall not, within the time by this act appointed, take the oaths, &c. Proviso for persons in prison, beyond the seas, *Non compos mentis*, or disabled by sickness, &c. No action on penalty for not having taken oaths, &c. to be brought after six months. Forfeitures of fee-simple, &c. repealed. Quakers to make the declaration of fidelity. Protestants in Scotland taking and subscribing the oath appointed by act 5 Geo. 1. c. 29. (to be taken by preachers in meeting-houses, &c. there) deemed to have complied with this. Penalties on papists, &c. in Scotland refusing to subscribe the *Formula*, &c. Three pence for taking oaths, &c. and six pence for certificate. Certificate to be evidence in any court, &c. Persons excused from registering, having registred their estates, may withdraw such register. How Jews are to take the abjuration oath. Relief for such protestant leasees, as have neglected to enrol deeds or wills, in due time, &c. No deed, &c. made good by this act, whereof advantage for want of enrolment shall be taken on or before the 6th of March 1723. EXP.

CAP. V.

An act for redeeming certain annuities after the rate of five pounds per centum per annum; and for payment of the principal and interest on the standing orders for the blank tickets in the lottery granted for the service of the year one thousand seven hundred and fourteen; and for making good the loss which happened in the treasury of his Majesty's exchequer, by the reduction of guineas; and for granting relief to Catherine Collingwood, widow.

L MAY it please your most excellent Majesty, Whereas in and by an act of parliament, made and passed in the first year of your Majesty's reign, intituled, an act for raising nine hundred and ten thou-

1 Geo. 1. stat.
2. c. 19.

thousand pounds for publick services, by sale of annuities, after the rate of five pounds per centum per annum, redeemable by parliament, and to authorize a treaty concerning private rights claimed by the proprietors of the sugar-houses in Scotland, a certain yearly sum of forty five thousand five hundred pounds was established to be a distinct and separate yearly fund for answering and paying certain annuities, after the rate of five pounds per centum per annum, which were then to be purchased upon the same act, until the redemption thereof by parliament; and the said yearly fund was thereby directed to be issued at the exchequer to the first and chief cashier of the governor and company of the bank of England for the time being, by way of imprest, and upon account, for payment of the said annuities, which were to be purchased upon that act; and it was thereby enacted, That the monies which should be contributed on the same act for or towards the sum of nine hundred and ten thousand pounds therein mentioned, should be deemed to be a capital or joint stock on which such annuities should be attending; and the same joint stock, and the proportional annuities attending the same, were thereby made transferrable and deviseable in the manner thereby prescribed; and in the said act is contained a proviso, That at any time upon one year's notice, and repayment by parliament, of the said sum of nine hundred and ten thousand pounds, or so much thereof, as should be advanced upon the said act, unto the respective contributors of the same, or to such person or persons as by, from or under them, should then be entitled to the said annuities, after the rate of five pounds per centum per annum, in respect of the money so advanced, according to such interests as they respectively should then have in the same annuities, and also upon full payment and satisfaction of all arrears of the said annuities, after the rate of five pounds per centum per annum (if any such shall be then due) then, and not till then, the said annuities, after the rate of five pounds per centum per annum created by that act, should cease and determine: and whereas the contributions on the said act did amount to the said full sum of nine hundred and ten thousand pounds, and the annuities, which became payable in respect of the same, did amount to the yearly sum of forty five thousand five hundred pounds: and whereas, since the making of the said act, as much of the said capital stock as amounted to seven hundred and six thousand one hundred and seventy five pounds and fifteen shillings, and as many of the said annuities attending the same, as amounted to thirty five thousand three hundred and eight pounds fifteen shillings and nine pence per annum, have been subscribed into the capital stock and yearly fund of the South-Sea company, and as much of the said capital stock, created by the act in part before recited, as amounts to two hundred and three thousand eight hundred twenty four pounds and five shillings, and as many of the said annuities as amount to ten thousand one hundred ninety one pounds four shillings and three pence per annum, in respect thereof, do still remain transferrable at the bank, or deviseable as aforesaid, and are payable by the cashier of the governor and company of the bank of England for the time being: And whereas in and by certain clauses contained in another act of parliament made and passed in the said first year of your Majesty's reign, intituled, An act for enlarging the capital stock and yearly fund of the South-Sea company, and for supplying thereby eight hundred and twenty two thousand, thirty two pounds four shillings and eight pence to publick uses; and for raising one hundred sixty nine thousand pounds for the like uses,

by

1 Geo. 1. stat.
2. c. 21.

by sale of annuities upon divers encouragements therein mentioned; and for appropriating several supplies granted to his Majesty, for encouragement of such persons and corporations as would advance, for the service of the publick, any sum or sums of money not exceeding the further sum of one hundred sixty nine thousand pounds, a certain yearly sum of eight thousand four hundred and fifty pounds was established to be a distinct or separate fund for answering and paying annuities, after the rate of five pounds per centum per annum, which were thereby to be purchased, until the redemption thereof by parliament; and the said yearly sum or fund of eight thousand four hundred and fifty pounds per annum was thereby directed to be issued at the exchequer to the first and chief cashier of the governor and company of the bank of England for the time being, by way of impress, and upon account, for payment of the said annuities, not exceeding eight thousand four hundred and fifty pounds per annum; and it was thereby enacted, That the monies, which should be so contributed or advanced for or towards the said sum, not exceeding one hundred sixty nine thousand pounds, should be a capital or joint stock on which the annuities last mentioned should be attending, and the same joint stock, and the proportional annuities attending the same, were thereby made transferrable and deviseable in the manner thereby prescribed: and in the act last mentioned there is contained a proviso, That at any time upon one year's notice, and repayment by parliament of the said sum of one hundred sixty nine thousand pounds, or so much thereof as should be advanced on the act last mentioned, unto the respective contributors of the same, or to such person or persons as by, from or under them, should be then entitled to the same annuities, after the rate of five pounds per centum per annum, in respect of the monies so advanced according to such interests as they respectively should then have in the same annuities, and also upon full payment and satisfaction of all arrears of the same annuities, after the rate of five pounds per centum per annum (if any should be then due) then, and not till then, the said last mentioned annuities, after the rate of five pounds per centum per annum, should also cease and determine: and whereas the contributions upon the clauses in the act last mentioned for such annuities as aforesaid, did amount to the said whole sum of one hundred sixty nine thousand pounds, and the annuities, which were payable in respect of the same, did amount to the said yearly sum of eight thousand four hundred and fifty pounds; and, since the making of the act last in part before recited, as much of the said capital stock last mentioned, as amounted to one hundred thirty seven thousand five hundred twenty six pounds six shillings and eight pence, and as many of the same annuities attending the same stock, as amounted, to six thousand eight hundred seventy six pounds six shilling and four pence per annum, have been subscribed into the capital stock and fund of the South-Sea company, and as much of the said capital stock of one hundred sixty nine thousand pounds, as amounts to thirty one thousand four hundred seventy three pounds thirteen shillings and four pence, and as many of the said annuities attending the same, as amount to one thousand five hundred seventy three pounds thirteen shillings and eight pence per annum, still remain transferrable at the bank, and deviseable as aforesaid, and payable by the said cashier of the governor and company of the bank of England for the time being: and whereas due notices were given by the right honourable Spencer Compton, esquire, speaker of the honourable house of commons, for redeeming the said several annuities of ten

5Geo. 1. c. 1.

thousand one hundred ninety one pounds four shillings and three pence per annum, and one thousand five hundred seventy three pounds thirteen shillings and eight pence per annum, and pursuant to the said notices the same are redeemable at the feast of the annunciation of the blessed Virgin Mary in the year of our Lord one thousand seven hundred and twenty four: and whereas in and by a clause in a certain act of parliament passed in the fifth year of your Majesty's reign, intituled, An act for granting to his Majesty an aid by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and nineteen, it was enacted, That a certain deficiency or sum of one hundred and ten thousand three hundred and twelve pounds seventeen shillings and four pence three farthings therein mentioned, should be supplied and made good to the treasurer of his Majesty's navy, by and out of the general yearly fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence one fifth part of a penny, or out of money to be raised at the exchequer for purchasing an annuity or annuities, after a rate not exceeding five pounds per centum per annum, for the said sum of one hundred ten thousand three hundred and twelve pounds seventeen shillings and four pence three farthings; and that such annuities should be charged on the said general yearly fund, and be payable and transferrable at the bank of England, as other annuities payable out of the said general yearly fund were intended, by any former act or acts of parliament then in force, to be payable and transferrable, until the redemption thereof by parliament: and whereas, in pursuance of the said clause, an annuity of five thousand five hundred and fifteen pounds twelve shillings and ten pence farthing per annum, being after the rate of five pounds per centum per annum for the said sum of one hundred and ten thousand three hundred and twelve pounds seventeen shillings and four pence three farthings, was created and charged on the said general fund; and whereas as much of the said last mentioned capital sum, as amounted to the sum of one hundred and seven thousand eight hundred and two pounds seventeen shillings and four pence three farthings, and as much of the said annuities attending the same, as amounted to five thousand three hundred and ninety pounds two shillings and ten pence farthing per annum, have been subscribed into the capital stock of the South-Sea company, and as much of the said capital sum as amounts to two thousand five hundred and ten pounds, and as much of the same annuity attending the same as amounts to one hundred twenty five pounds and ten shillings per annum, do still remain transferrable at the bank of England, and are redeemable by parliament: and whereas the sum of one million one hundred fifty seven thousand three hundred and sixty pounds, in respect only of the tickets commonly called the blank tickets, drawn in the lottery for raising fourteen hundred thousand pounds, for the service of the year one thousand seven hundred and fourteen, was charged, with an interest after the rate of five pounds per centum per annum, upon the yearly fund of one hundred and sixteen thousand five hundred seventy three pounds twelve shillings, payable at the exchequer out of certain duties on soap, paper, linens, silks, callicoes, stuffs, starch, exported coals, and upon stamps vellum, parchment and paper, granted for thirty two years, from the second day of August one thousand seven hundred and fourteen, by two acts, one of the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for laying additional duties on soap and paper, and upon certain linens, silks, callicoes and stuffs, and upon starch, exported coals,

11Ann. stat.
2. c. 9.

coals, and upon stamp vellum, parchment and paper, for raising one million four hundred thousand pounds by way of a lottery for her Majesty's supply, and for allowances on exporting made wares of leather, sheep-skins and lamb-skins; and for distribution of four thousand pounds, due to the officers and seamen for gun-money; and to adjust the property of tickets in former lotteries; and touching certain shares of stock in the capital of the South-Sea company; and for appropriating the monies granted to her Majesty, *and the other of the first year of your Majesty's reign, intituled, An act for rectifying mistakes in the names of the commissioners of the land-tax, for the year one thousand seven hundred and fourteen; and for raising so much as is wanting to make up the sum of fourteen hundred thousand pounds, intended to be raised by a lottery for the publick service in the said year, or by one of the acts last mentioned: and whereas so much of the said last mentioned principal sum of one million one hundred fifty seven thousand three hundred and sixty pounds remains unpaid off or unsubscribed into the capital stock of the South-Sea company, as amounts to the principal sum of one hundred and ten thousand six hundred pounds, and the same is payable on certain standing orders made out in pursuance of the said last mentioned acts, or one of them, by the paymaster or paymasters appointed or to be appointed in pursuance of the same acts, or one of them: and whereas the monies arisen or to arise in the receipt of the exchequer of the surplusses, excesses and overplus monies, commonly called the sinking fund, at present stand appropriated to the paying off and cancelling the several exchequer-bills now in being, or some of them; and the governor and company of the bank of England are under a contract or contracts for circulating or exchanging the same exchequer-bills for ready money: and whereas the said governor and company have consented, that notwithstanding such present appropriation, so much of the monies, arisen or to arise into the receipt of the exchequer of the said surplusses, excesses, or overplus monies, commonly called the sinking fund, at or before the feast of the annunciation of the blessed Virgin Mary which shall be in the year of our Lord one thousand seven hundred and twenty four, as will be necessary to pay off the said several capital or principal sums so remaining unsubscribed or unpaid off as aforesaid, and all arrears of the annuities or interests attending thereon, may be issued and applied for the redeeming and paying off the same, so as the remainder thereof, and the monies which from the said feast-day shall arise from the same surplusses, excesses or overplus monies, remain and continue appropriated, as they are at present: now we your Majesty's dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being resolved to pay off and discharge the said several capital sums of two hundred and three thousand eight hundred twenty four pounds five shillings, thirty one thousand four hundred seventy three pounds thirteen shillings and four pence, and two thousand five hundred and ten pounds, making together two hundred thirty seven thousand eight hundred and seven pounds eighteen shillings and four pence, and to redeem the said several annuities attending there-*

on, and also to pay off and discharge the said principal sum of one hundred and ten thousand six hundred pounds so as aforesaid remaining due on the said orders made forth for the said blank lottery tickets, together with the interest due or to grow due thereon, at the rate of five pounds *per centum per annum* as aforesaid: and being desirous thereby in some measure to ease the present burthen of the publick debts and incumbrances, and to the intent that sufficient monies may be issued and applied for the ends and purposes aforesaid, do humbly beseech your Majesty, That it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, that out of such monies as are or shall be in the receipt of the exchequer of the surplusses, excesses and overplus monies commonly called the sinking fund, arisen or to arise for the half-year, ending at the feast of the annunciation of the blessed Virgin *Mary* which shall be in the year of our Lord one thousand seven hundred and twenty four, or for any time preceding the same feast-day, (such other payments exclusive of the principal monies payable on the said exchequer-bills, as have been directed to be made at or before the same feast-day by authority of parliament, out of the said surplusses, excesses and overplus monies, always excepted and foreprized) there shall be issued and paid, on or before the said feast-day of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty four, the sum of two hundred thirty seven thousand eight hundred and seven pounds eighteen shillings and four pence, to the said cashier of the governor and company of the bank of *England*, now or for the time being, by way of imprest and upon account, together with so much more monies, as on the said last mentioned feast-day shall be due and in arrear for the said several and respective annuities, or any of them, to be by him applied and paid over for discharging the said several remaining capital sums of two hundred and three thousand eight hundred twenty four pounds five shillings, thirty one thousand four hundred seventy three pounds thirteen shillings and four pence, and two thousand five hundred and ten pounds, and for redeeming the said several and respective annuities attending thereon, and for discharging all arrears thereof; and that the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, do cause the same to be issued and paid to the said cashier accordingly, without any further or other warrant or authority to be sued for, had or obtained in that behalf; any former law or statute whatsoever to the contrary notwithstanding; and the said cashier of the said governor and company of the bank of *England* is hereby strictly enjoined and required to apply and pay over the monies, which shall be so issued to him as aforesaid, to such person and persons, body and bodies politick and corporate,

217,807l. 18s.
4d. applied to
the redemption
of annui-
ties, &c.

corporate, as at the time of his receipt of the same shall be entitled to the said several and respective annuities now to be redeemed, according to such interests as they respectively shall then have thereon.

II. And be it further enacted by the authority aforesaid, That out of such monies as are or shall be in the receipt of the exchequer, of the said surplusses, excesses or overplus monies, arisen or to arise for the half-year, ending at the feast-day of the annunciation of the blessed Virgin *Mary* which shall be in the year of our Lord one thousand seven hundred and twenty four, or for any time preceding the same feast-day, (except as before is excepted) there shall be issued and paid, on or before the same feast-day, to the paymaster or paymasters of the said orders for blank lottery-tickets, so much more money as, together with the monies, which shall then be in the receipt of exchequer, applicable to the discharge of the principal and interest due on the same orders, shall be sufficient to satisfy and pay off all the principal and interest which on the same feast-day shall be due or in arrear on the same orders, by way of imprest, and upon account, to be by him applied and paid over for discharging all the said principal and interest: and that the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, do cause the same to be issued and paid to such paymaster or paymasters accordingly, without any further or other warrant or authority to be sued for, had or obtained in that behalf; any former law or statute to the contrary notwithstanding. And the said paymaster or paymasters is and are hereby strictly enjoined and required to apply and pay over the monies which shall be so issued to him or them as aforesaid, to such person or persons, body or bodies politick and corporate, as shall be entitled to the said blank lottery-orders, and the principal and interest payable thereon, according to such interests as they shall have respectively therein.

III. Provided always, and be it enacted by the authority aforesaid, That from and after such issues and payments to the said cashier and paymaster or paymasters respectively shall be made, as herein before is directed, and subject thereto, all the rest and residue of monies, arisen or to arise by or out of the said surplusses, excesses or overplus monies, commonly called the sinking fund, shall go, continue, remain, and be issued and applied, to and for the same uses, intents and purposes, and in the same manner and form as they were directed, applied or appropriated to by any former act or acts of parliament, and none other; any thing in this act contained to the contrary notwithstanding.

IV. Provided nevertheless, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three, or more of them, or the lord high treasurer for the time being, to and for the use of the said sinking fund, to apply and pay out of the said sinking fund, so much money as shall be necessary for making good the loss

Application of monies for payment of principal and interest on orders for blank lottery tickets, &c.

Sinking fund applied.

15,244l. 19s. appropriated for making good the loss

which hap-
pened in the
treasury by
the reduction
of guineas, &c.

out of any monies arisen or to arise into the receipt of his Majesty's exchequer, of or for the said surplusses, excesses or overplus monies commonly called the sinking fund, to allow to the tellers of his Majesty's exchequer any sum or sums of money, not exceeding the sum of fifteen thousand one hundred forty four pounds nineteen shillings, to satisfy and make good the loss and deficiency which happened in the treasure remaining in the offices of the four tellers of the receipt of his Majesty's exchequer, by the reduction of guineas from one and twenty shillings and six-pence to one and twenty shillings; any thing in this or any former act or acts of parliament to the contrary notwithstanding.

Relief granted
to Catharine
Collingwood,
widow, &c.

V. And whereas all the real and personal estate of *George Collingwood*, attainted of high treason, was by one or more act or acts of parliament vested in trustees, to be sold for the use of the publick, and by the sale thereof, and the rents and profits received before the same was sold, the sum of eighteen thousand one hundred pounds hath been raised, and the greatest part thereof hath been since paid into the receipt of his Majesty's exchequer: and whereas *Catharine*, widow and relict of the said *George Collingwood*, having for these eight years last past been destitute of all necessary subsistence, has contracted considerable debts for the support and maintenance of herself and her family; now in compassion to the deplorable condition of the said *Catharine Collingwood* and her family, we your Majesty's said dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, do humbly pray, that it may be enacted, and be it enacted by the authority aforesaid, That the full sum of six thousand pounds, out of the money arisen or to arise at the exchequer from the sale or produce of all, every, or any the estates forfeited for treason in the late rebellion, which estates, by one or more act or acts were vested in trustees, to be sold for the use of the publick, shall and may be taken, issued and applied, for and towards the future support and maintenance of the said *Catharine Collingwood* and her family, and for the payment of her debts, without account, impress, or other charge, to be set upon her for the same, or any part thereof; and the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized, impowered and directed, to cause the said sum of six thousand pounds, and every or any part thereof, to be issued and paid to the said *Catharine Collingwood* or her assigns accordingly, without any fee, or abatement for fees or charges, or other deduction or abatement whatsoever; any former law or statute to the contrary notwithstanding.

CAP. VI.

An act for enlarging the term granted by an act passed in the third year of his Majesty's reign, intituled, *An act for repairing the highways, from that part of Counter's bridge which lies in the parish of Kensington in the county of Middlesex, to the powder-mills in the road to Staines, and to Cranford*

Cranford Bridge in the said county in the road to Colnebrooke; and for making the said act more effectual.

This act 3 Geo. 1. for repairing the highways from Counter's Bridge, &c. which commenced from the first of July one thousand seven hundred and seventeen, and was to continue in force for the term of eleven years, and also the tolls thereby granted, are further continued for seventeen years. *Further continued by 11 Geo. 2. c. 6.*

C A P. VII.

An act for making more effectual an act made in the ninth year of his Majesty's reign, intituled, An act for completing the repairs of the harbour of Dover in the county of Kent; and for restoring the harbour of Rye in the county of Sussex, to its ancient goodness, so far as the same relates to the harbour of Rye.

WHEREAS it has been judged necessary that the harbour of Rye in the county of Sussex should be preserved for the benefit of trade and navigation: and whereas an act passed in the ninth year of his Majesty's reign, intituled, An act for completing the repairs of the harbour of Dover in the county of Kent, and for restoring the harbour of Rye in the county of Sussex, to its ancient goodness, by which act a duty of three pence per tun upon shipping, granted and continued by former acts therein mentioned for the repair of Dover harbour, was granted or continued for a further term therein mentioned, as well for completing the repairs of the said harbour of Dover, as for restoring the said harbour of Rye to its ancient goodness, which was then proposed and intended to be done by letting the tide have free course through certain sluices near the said harbour of Rye called Scotch Flat and Craven Sluces, in the present channels, to the drowned lands between Blackwall and Matham in the said counties of Kent and Sussex, or into such other cut or channel, as shall be found most proper and expedient to restore the said harbour of Rye: and whereas since the passing of the said act it is found, that the said harbour of Rye may be made more useful and commodious by opening and making a new cut or channel from the Winchelsea channel, right out to the sea, which will be of greater use and benefit to the trade and navigation of this kingdom, than if the method proposed by the said recited act should be pursued; but as it is doubted whether the powers given by the said recited act do extend to the making any new cut or channel elsewhere than in the places therein mentioned, and it is necessary to explain and amend the said act: may it therefore please your most excellent Majesty, that it may be enacted, &c.

The powers in the act 9 Geo. 1. for repairing Rye harbour, transferred to the persons herein named, who are to do all works necessary for the purposes of the act. Two thirds of the duty 9 Geo. 1. to be applied to the uses of this act. First meeting of trustees to be on 11 May 1724. at Rye. Powers in the act 9 Geo. 1. to be in force. Trustees may erect bridges, locks, &c. giving satisfaction to the land-owners. Damage by overflowing to be satisfied out of the duties. If parties cannot agree, a

jury to be impanelled, &c. The channel wall from the new cut shall be heightened and repaired, as the commissioners of sewers shall direct. If the commissioners of sewers shall judge it unsafe to let the sea have its free course up the new channel, the trustees shall make a navigable sluice at such place, as the commissioners shall judge fit. The duties not liable to make good any damage through the default of the commissioners of sewers. The sea shall not be let into the new cut, till all the works be perfected. If the commissioners of sewers judge proprietors damaged, and by their expeditors give notice to the trustees, they shall remove the dams, &c. Trustees neglecting, expeditor may employ persons. Owners of the levels, when obstructed, may sew out their waters through Rye or Winchelsea, or any other cut. The proprietors of Guldeford Level, &c. when obstructed, may make new cuts to carry off their waters into the channel. Trustees may elect others in room of trustees dying or refusing to act.

CAP. VIII.

An act for reviving an act passed in the tenth year of her late Majesty's reign, intituled, *An act to make a causey over the Dunes from Great Yarmouth to Caister in the county of Norfolk*; and for making the said act more effectual.

East and West Flegg to pay 3 d. in the pound rent for two years and a half. Great Yarmouth the like sum; to be paid by the tenants: and one half-part to be deducted out of the rents. Commissioners appointed. Commissioners to appoint assessors and collectors. Collectors to pay the monies to the chamberlains of Great Yarmouth. That part of the causey from Yarmouth to Caister Lane's end, &c. vested in the mayor, &c. who are to appoint surveyors. Surveyors may dig gravel, &c. out of the waste, or other grounds, making satisfaction for damages.

CAP. IX.

An act for repairing and amending the highways from the north part of Harlow-bush common, in the parish of Harlow, to Woodford in the county of Essex.

The toll granted by this act took place from 27 of Feb. 1723, for 21 years. *Continued by 16 Geo. 2. c. 19.*

CAP. X.

An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa nuts, chocolate and cocoa paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa paste; and for better ascertaining the duties payable upon coffee, tea, and cocoa nuts imported; and for granting relief to Robert Dalzell, late earl of Carnwath.

Recital of granting several additional duties for terms, and of making them perpetual, but subject to redemption.

MAY it please your most excellent Majesty, whereas by an act of parliament made in the sixth year of the reign of his late majesty King William (of glorious memory) intituled, *An act for granting to his Majesty several additional duties upon coffee, tea, chocolate and spices, towards satisfaction of the debts due for transport service for the reduction of Ireland, several additional and other duties and impositions herein after mentioned were granted to his Majesty for and upon coffee, cocoa nuts, chocolate, cocoa paste and*

and tea, which should be imported into the kingdom of England, do-^{6 & 7 W. 3.} minion of Wales, or town of Berwick upon Tweed, at any time after the first day of May in the year of our Lord one thousand six hundred and ninety five, and before the second day of May in the year of our Lord one thousand six hundred and ninety eight, over and above all duties before that time payable for the same at the custom-house; that is to say, for every hundred weight of coffee imported as aforesaid, accounting one hundred and twelve pounds to the hundred, fifty six shillings of lawful English money: for every hundred weight of cocoa nuts imported, and containing as aforesaid, from any the plantations belonging to the crown of England, fifty six shillings: for every hundred weight of cocoa nuts imported, and containing as aforesaid, from any other country or place from whence they may by law be imported, four pounds and four shillings of like lawful English money: for every pound of chocolate ready made, imported as aforesaid, one shilling: for every pound of cocoa paste imported as aforesaid, two shillings: for every pound of tea regularly imported as aforesaid, from whence the same might have been lawfully imported before the making that act, one shilling: for every pound of tea imported as aforesaid, from Holland or any other country, not the place of its growth or usual shipping, two shillings and six pence per pound weight; and so proportionably for any greater or lesser quantity of any of the commodities imported as aforesaid, respectively. And whereas by an act of parliament made in the third year of the reign of her late majesty Queen Anne, intituled, An act for continuing ^{3 & 4 Ann. c. 4.} duties upon low wines, and upon coffee, tea, chocolate, spices and pictures, and upon hawkers, pedlars and petty chapmen, and upon muslins; and for granting new duties upon several of the said commodities, and also upon callicoos, china ware and drugs, several new and additional rates and sums of money herein after mentioned were granted to her said Majesty, her heirs and successors, for and upon all and all manner of coffee, cocoa nuts, chocolate, cocoa paste and tea, which should be imported into the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, at any time or times after the first day of February one thousand seven hundred and four, and before the twenty fourth day of June one thousand seven hundred and ten, over and above all duties and additional duties before that time payable for the same, or any of them, by any other law then in force, and over and above the duties herein before-mentioned, the new and additional rates and sums of money following; that is to say, for every hundred weight of coffee imported as aforesaid, accounting one hundred and twelve pounds to the hundred, fifty-six shillings of lawful English money: for every hundred weight of cocoa nuts imported, and containing as aforesaid, from any the plantations belonging to the crown of England, fifty six shillings: for every hundred weight of cocoa nuts imported, and containing as aforesaid, from any other country or place from whence they may by law be imported, four pounds and four shillings of like lawful English money: for every pound of chocolate ready made and imported as aforesaid, one shilling: for every pound of cocoa paste imported as aforesaid, two shillings: for every pound of tea regularly imported

7 Ann. c. 7.

10 Ann. c. 26.
sect. 32.

3 Geo. 1. c. 7.

Reasons for
repealing the
additional

imported as aforesaid, from whence the same might lawfully have been imported before the making of the said act of the sixth year of his said late Majesty's reign, one shilling: for every pound of tea imported as aforesaid from Holland or any other country, not the place of its growth or usual shipping, two shillings and six pence; and so proportionably for any greater or lesser quantity of any the commodities imported as aforesaid, respectively: which said several rates and duties herein before particularly mentioned were, by several acts of parliament, continued and made payable to her said Majesty, her heirs and successors, to the twenty fourth day of June one thousand seven hundred and fourteen. And whereas by an act of parliament made in the seventh year of the reign of her said late majesty Queen Anne, intituled, An act for enlarging the capital stock of the bank of England, and for raising a further supply to her Majesty for the service of the year one thousand seven hundred and nine, all the said several rates and duties upon coffee, cocoa nuts, chocolate, cocoa paste and tea, herein before particularly mentioned, which should be imported or brought into Great Britain from and after the twenty third day of June one thousand seven hundred and fourteen, should be paid and payable to her said Majesty, her heirs and successors for ever, for the purposes in the said last mentioned act expressed, subject nevertheless to the proviso or condition of redemption in the same act contained relating thereto. And whereas by an act made in the tenth year of the reign of her said late majesty Queen Anne, amongst other things for laying additional duties upon hides and skins, vellum and parchment, and new duties on starch, coffee, tea, drugs, gilt and silver wire, several new rates and duties upon all coffee and tea, which should be imported or brought into Great Britain, at any time or times within or during the term of thirty two years, to be reckoned from the seventeenth day of June one thousand seven hundred and twelve, over and above all other customs, subsidies and duties imposed upon or payable for the same; that is to say, for all coffee imported as aforesaid, twelve pence for every pound weight averdupois, and proportionably for a greater or lesser quantity: for all kinds of tea imported from any place or places within the limits of the charter granted to the East-India company, two shillings for every such pound weight; and for all kinds of tea imported from any other place or places, five shillings for every such pound weight, and proportionably for greater or lesser quantities of tea. And whereas by an act made in the third year of your Majesty's reign, amongst other things, for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery-acts passed in the ninth and tenth years of her said late Majesty's reign, the said last mentioned rates and duties upon coffee and tea are continued and made payable to your Majesty, your heirs and successors for ever, for the purposes in the same act prescribed and directed, subject to such provisos and powers of redemption, as are in and by the same act contained and prescribed of and concerning the same, as by the said several acts, relation being had to them respectively, more at large may appear. And whereas the duties now subsisting upon coffee, tea, cocoa nuts, chocolate and cocoa paste are or

may be very much lessened, not only by the clandestine importation thereof from parts beyond the seas, but also by the fraudulent re-landing of the same after the same have been exported from this kingdom for foreign parts, and the duties thereupon drawn back, without paying any duties for the same, contrary to the true intent and meaning of the several acts relating to the said duties, and to the ruin of the fair traders in the said commodities: for remedy whereof, and for the more effectual securing a revenue to your Majesty, to arise by the said coffee, tea, cocoa nuts, chocolate and cocoa paste, we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and twenty four the several duties upon coffee and tea granted (by the said act of parliament made in the sixth year of the reign of his said late majesty King William the Third, and by the said act of parliament made in the third year of the reign of her said late majesty Queen Anne, and by the said act of parliament made in the tenth year of the reign of her said late majesty Queen Anne) for several terms of years in the said respective acts mentioned, and which have been since continued by several acts of parliament and made perpetual (subject to redemption by parliament as aforesaid;) and the several duties upon cocoa nuts, granted (by the said act of the sixth year of the reign of his said late majesty King William, and by the said act of the third year of the reign of her said late majesty Queen Anne) for several terms of years in the same respective acts mentioned, and which have been since continued by several acts of parliament and made perpetual (subject to redemption by parliament as aforesaid) shall cease, determine and be no longer paid or payable; any thing in the before-mentioned acts to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and twenty four no chocolate ready made or cocoa paste shall be imported or brought into Great Britain from any part or parts beyond the seas, upon pain of forfeiting all such chocolate ready made and cocoa paste, which shall be so brought in contrary to the true intent and meaning of this act, together with double the value thereof, and the bags, casks, boxes and other package wherein the same shall be contained.

III. And to the intent that no failure or deficiency may accrue or happen in the respective funds to which the duties upon coffee, tea, cocoa nuts, chocolate and cocoa paste, by this act determined, were appropriated and applicable, by the determination of the aforesaid duties, and by the prohibition of the

duty, and granting inland duties instead thereof.

From the 24th of June 1724, the said former additional duties to cease, &c.

6 W. 3. c. 7.
3 & 4 Ann. c. 4.
10 Ann. c. 26.

6 W. 3. c. 7.

After 24 June 1724, no chocolate ready made or cocoa paste to be imported, on pain of being forfeited.

After 24 June 1724, new inland duties on coffee and tea sold, and upon chocolate

made and sold
in Great Bri-
tain.

On coffee, 2 s.
per pound.
5 Geo. 2. c. 24.

Upon tea, 4 s.
per pound.
*A new duty is
laid, instead of
this, by 18 Geo.
2. c. 26.*

Upon choco-
late, 1 s. 6 d.
per pound.

The King or
treasury to ap-
point commis-
sioners for these
inland duties.

Such commis-
sioners to ap-
point officers.

The money
arising by the
said inland
duties (de-
ducting the

importation of chocolate ready made and cocoa paste; be it fur-
ther enacted by the authority aforesaid, That from and after
the twenty fourth day of *June* one thousand seven hundred and
twenty four, in lieu thereof, the respective inland duties herein
after mentioned, be by this act charged and imposed upon all
coffee and tea from thenceforth to be sold in *Great Britain*, and
upon all chocolate from thenceforth to be made or sold in *Great
Britain*, to be paid in manner herein after mentioned; that is
to say,

IV. Upon all coffee so to be sold in *Great Britain*, a duty
after the rate of two shillings *per* pound weight *averdupois*, and
in that proportion for a greater or lesser quantity, over and
above all customs, subsidies and duties, which shall then re-
main payable to his Majesty for the same upon the importation
thereof:

V. Upon all tea so to be sold in *Great Britain*, a duty after
the rate of four shillings *per* pound weight *averdupois*, and in
that proportion for a greater or lesser quantity, over and above
all customs, subsidies and duties, which shall then remain pay-
able to his Majesty for the same upon the importation thereof.

VI. And upon all chocolate so to be made or sold in *Great
Britain*, a duty after the rate of one shilling and six pence *per*
pound weight *averdupois*, and in that proportion for a greater
or lesser quantity, to be paid by the respective makers or sellers
thereof.

VII. And for the better ascertaining, charging, collecting,
levying, raising and securing the several rates and duties by this
act imposed upon all coffee and tea, which shall be sold to be
consumed in *Great Britain*, and upon all chocolate which shall
be made or sold in *Great Britain* from and after the said twenty
fourth day of *June* one thousand seven hundred and twenty
four, and for preventing frauds concerning the same; be it fur-
ther enacted by the authority aforesaid, That such commis-
sioners or persons as his Majesty, his heirs or successors, or any
three or more of the commissioners of his Majesty's treasury,
or the high treasurer of *Great Britain* for the time being, shall
from time to time, by one or more commission or commissions
for that purpose appoint, shall be his Majesty's commissioners
for the receipt and management of the said inland duties by
this act set and imposed upon coffee, tea and chocolate as afore-
said within *Great Britain*; which said last mentioned commis-
sioners, or the major part of them respectively, shall and have
hereby power, by commission or commissions under their re-
spective hands and seals, to substitute and appoint under them
such receivers general, collectors, comptrollers, surveyors and
other officers, as shall be requisite and necessary for the pur-
poses aforesaid; and that the said commissioners and officers so
to be appointed for the said inland duties upon coffee, tea and
chocolate hereby granted, shall have out of the same such sa-
laries and rewards for their respective services in relation to
the

the same duties, as the said commissioners of the treasury, or charges) to be any three or more of them, or the high treasurer for the time being, shall from time to time think reasonable to establish or allow in that behalf; and that the respective commissioners for the said inland duties hereby imposed upon coffee, tea and chocolate, shall from time to time cause all the monies to arise by or for the same duties (the necessary charges of raising, levying and accounting for the same excepted) to be paid into the receipt of his Majesty's exchequer distinctly and apart from all other branches of the publick revenues, for the purposes in this act expressed, under the like penalties, forfeitures and disabilities, as are herein after inflicted for diverting or misapplying any money by this act appropriated. paid into the exchequer.

VIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite and by knights-service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale or other liquors, are provided, settled or established for managing, raising, levying, collecting, mitigating, or recovering, adjudging or ascertaining the duties thereby granted, or any of them, (other than in such cases, for which other penalties or provisions are prescribed by this act) shall be exercised, practised, applied, used and put in execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering and paying the inland duties upon coffee, tea and chocolate hereby granted, during the continuance of this act, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters and things were particularly repeated and again enacted in the body of this present act. The powers, &c. in the excise acts to be exercised, &c. for the execution of this act.

IX. And be it further enacted by the authority aforesaid, That on or before the said twenty fourth day of June one thousand seven hundred and twenty four all and every druggist, grocer, chandler, coffeehouse-keeper, chocolatehouse-keeper, and all and every other person or persons, bodies politick and corporate, who shall then be a seller of or a dealer in coffee, tea or cocoa nuts, or any or either of them, or shall be a maker or seller of chocolate, either by wholesale or retail, shall make a true and particular entry in writing of all warehouses, storehouses, rooms, shops, cellars, vaults and other places by him, her or them respectively made use of for the keeping of coffee, tea, cocoa nuts or chocolate, or making of chocolate, at the office to be appointed for the said inland duties hereby set and imposed, within the compass or limits whereof such respective warehouses, storehouses, rooms, shops, cellars, vaults and other On or before 24 June 1724, every druggist, &c. to enter at the next office for these duties, every warehouse, &c. used for keeping coffee, &c. and all coffee, &c. therein, on pain of forfeiting 100 l. for every place not so entered, and all the coffee therein.

other places shall be situated; and also of all coffee, tea, cocoa nuts and chocolate, which at the time of making such respective entries shall be in such warehouses, storehouses, rooms, shops, cellars, vaults and other places, and every of them respectively, upon pain of forfeiting the sum of two hundred pounds for every such warehouse, storehouse, room, shop, cellar, vault or other place which, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four, shall be so made use of by any such druggist, grocer, chandler, coffeehouse-keeper, chocolatehouse-keeper, or any other person or persons, bodies politick or corporate respectively, without making such entry thereof as aforesaid, together with the coffee, tea, cocoa nuts and chocolate, which shall be found therein, and also the canisters, bags, jars, tubs, boxes, casks and other vessels or package whatsoever containing the same.

All who, after 24 June 1724, shall become sellers of or dealers in coffee, &c. to make fresh entries under like penalties.

X. And be it further enacted by the authority aforesaid, That all and every druggist, grocer, chandler, coffeehouse-keeper, chocolatehouse-keeper, and all and every other person or persons, bodies politick and corporate whatsoever, who, after the said twenty fourth day of *June* one thousand seven hundred and twenty four, shall become a seller or sellers, dealer or dealers in coffee, tea, cocoa nuts or chocolate, either by wholesale or retail, or maker of chocolate, shall, before he, she or they shall take any such coffee, tea, cocoa nuts or chocolate into his, her or their custody or possession, make the like particular entry in writing of the several and respective warehouses, storehouses, rooms, shops, cellars, vaults and other places intended by him, her or them respectively to be made use of for the keeping of coffee, tea, cocoa nuts or chocolate, or for the making of chocolate, on pain of forfeiting the sum of two hundred pounds for every such warehouse, storehouse, room, shop, cellar, vault or other place so made use of by such last mentioned druggist, grocer, chandler, coffeehouse-keeper, chocolatehouse-keeper, or any other person or persons, body politick or corporate respectively, without making such entry as aforesaid; and the coffee, tea, cocoa nuts and chocolate which shall be found therein, and also the canisters, bags, jars, tubs, boxes, casks and other vessels or package whatsoever containing the same.

200 l. for every such place not so entred, and coffee, &c.

After 24 June 1724, no coffee, &c. to be brought into such entred places without notice and certificate, on forfeiture thereof, and of the treble value.

XI. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four no coffee, tea, cocoa nuts or chocolate shall be brought into any such before-mentioned warehouse, storehouse, room, shop, cellar, vault or other place made use of by such druggist, grocer, chandler, coffeehouse-keeper, chocolatehouse-keeper, or such other person or persons, body politick or corporate, without his, her or their first giving notice thereof to the officer for the said inland duties hereby set and imposed, of the division or place in which such warehouse, storehouse, room, shop, cellar, vault or other place in which such coffee, tea, cocoa nuts or chocolate are intended to be lodged, and producing to the said officer and leaving with him an authentick certificate, signed by the officer for the said inland

inland duties hereby set and imposed, of the division from whence such coffee, tea, cocoa nuts or chocolate shall be brought, that in case of coffee, tea or chocolate, the inland duties charged or chargeable by this act upon the said coffee, tea, or chocolate so intended to be brought in as aforesaid, have been actually paid, or that the same hath been condemned as forfeited, or was part of the stock in hand of some druggist, grocer, chandler, coffeehouse-keeper or chocolatehouse-keeper, or other person or persons, body politick or corporate, selling or dealing in coffee, tea or chocolate, or making of chocolate, and in case of bringing in cocoa nuts, that the same have been duly entred with the officer or officers of his Majesty's customs, or that they were condemned as forfeited, or were part of the stock in hand of some druggist or other person selling or dealing therein, upon or before the said twenty fourth day of *June* one thousand seven hundred and twenty four, of which an account of such coffee, tea, cocoa nuts and chocolate had been taken on or before the said twenty fourth day of *June* one thousand seven hundred and twenty four, and expressing the quantity and quality thereof, and at what place the said inland duties were so paid for the said coffee, tea or chocolate, or at what port or place the customs and duties were so paid for such cocoa nuts, or the said coffee, tea, cocoa nuts or chocolate were condemned, or of whose stock in hand the same was part, on pain of forfeiting the coffee, tea, cocoa nuts or chocolate so brought in without such notice and certificate as aforesaid, and treble the value thereof, together with the canisters, bags, jars, tubs, boxes, casks and other vessels or package whatsoever containing the same.

XII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four it shall and may be lawful for the officers for the said inland duties hereby set or imposed, or any of them, from time to time and at all times by day, to enter into all and every the warehouses, storehouses, rooms, shops, cellars, vaults and other places made use of for keeping or making any coffee, tea, cocoa nuts or chocolate by any druggist, grocer, chandler, coffeehouse-keeper, chocolatehouse-keeper, or other person or persons, body politick or corporate, selling or dealing in coffee, tea, cocoa nuts or chocolate, by wholesale or retail, or making chocolate, and by weighing, gaging or otherwise to take an account of the quantity and sorts of the said commodities, which shall at any time be in their or any of their custody, in the weighing whereof the owners of any of the said commodities, or some on their behalf, shall be aiding and assisting to the said officers, and keep sufficient just weights and scales to be made use of by the said officers for that purpose; and if any such druggist, grocer, chandler, coffeehouse-keeper, chocolatehouse-keeper, or other person or persons, body politick or corporate, selling or dealing in coffee, tea, cocoa nuts or chocolate, by wholesale or retail, or making chocolate, shall hinder or refuse the said officers, or any of them

Officers in the day-time may enter all warehouses, &c. used for keeping coffee, &c. and take accounts.

Owners of coffee, &c. to assist officers in weighing, and to keep sufficient scales and weights.

to

For hindring, &c. officer to enter and take account, for not keeping sufficient scales, &c. for keeping false weights, for not assisting officer in weighing or for hindring him therein, penalty 100l.

On suspicion of concealing, &c. coffee, &c.

and on oath before commissioners or a justice of peace, they respectively may empower any officer in the day-time with or without, and in the night-time with a constable, to enter all suspected places, and to take and carry away coffee, &c. concealed.

Every person obstructing, &c. officer, &c. therein, forfeits 100l.

to enter into such his, her or their warehouses, storehouses, rooms, shops, cellars, vaults or other places, or to take such account as aforesaid, or shall neglect to keep sufficient just weights and scales to be made use of by the said officers for the purposes aforesaid, or shall keep any false weights or scales, or shall neglect or refuse to assist the said officers in the weighing as aforesaid, or shall let, hinder or obstruct any of the said officers in the execution of the powers and authorities given to him or them by this act, the person or persons offending therein shall, for every such offence, forfeit and lose the sum of one hundred pounds.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That in case any officer or officers for the said duties by this act granted shall have cause to suspect that any coffee, tea, chocolate or cocoa nuts shall be fraudulently hid or concealed in any place whatsoever, either entred for the keeping of the same as aforesaid, or not entred, with an intent to defraud his Majesty of his duties thereon, then and in such case, if such place shall be within the cities of *London* or *Westminster*, or within the limits of the weekly bills of mortality, upon oath made by such officer or officers before the commissioners for the duties by this act granted, or any two or more of them, or in case the same shall be in any other part of *Great Britain*, upon oath made by such officer or officers before one or more justice or justices of the peace of the county, riding, division or place where such officer or officers shall suspect the same to be so hid or concealed, setting forth the ground of such his or their suspicion, it shall and may be lawful to and for the said commissioners for the said duties, or justice or justices of the peace respectively, before whom such affidavit or affidavits shall be made, if he or they shall judge it reasonable, by special warrant or warrants under his or their respective hands and seals, to authorize and empower such officer or officers by day or by night, but if in the night-time, then in the presence of a constable or other lawful officer of the peace, to enter into all and every such place or places where he or they shall so suspect such coffee, tea, chocolate or cocoa nuts shall be so fraudulently hid or concealed, and seize and carry away all such coffee, tea, chocolate and cocoa nuts which he or they shall then and there find so fraudulently hid and concealed, as forfeited for his Majesty's use, together with all and every the bags, canisters, boxes, casks and other package or things wherein the same, shall be contained; and if any person or persons whatsoever shall let, obstruct or hinder any of the officers for the said duties by this act granted from entering such places, where he or they shall suspect such coffee, tea, chocolate or cocoa nuts shall be so fraudulently hid or concealed as aforesaid, or in seizing and carrying away such coffee, tea, chocolate and cocoa nuts which shall be so hid or concealed, together with the bags, canisters, boxes, casks or other package or things where the same shall be contained, the person or persons offending therein shall, for every such offence,

fence, forfeit and lose the sum of one hundred pounds, to be recovered as aforesaid.

XIV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four no coffee, tea, cocoa nuts or chocolate shall be sold, uttered or exposed to sale, either by wholesale or retail, but when the same shall be in some or one of the said warehouses, storehouses, rooms, shops, cellars, vaults or other places so entred as aforesaid, or in some or one of the warehouses to be approved of by the commissioners of his Majesty's customs for the keeping of coffee, tea and cocoa nuts, in pursuance of this act, upon pain of forfeiting all such coffee, tea, cocoa nuts and chocolate which shall be so sold, uttered or exposed to sale, when the same shall be in any other place or places than those entred or approved as aforesaid, and the value thereof, together with the canisters, bags, jars, tubs, boxes, casks and other vessels or package whatsoever containing the same.

No coffee, &c. to be sold or exposed to sale, but in places entred. on pain of forfeiting all such coffee, and the treble value.

XV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four, where any such coffee, tea, cocoa nuts or chocolate shall be sold in any of the said entred places in any quantity above the weight of six pounds, the officer or officers for the inland duties hereby set and imposed, of the respective divisions or places where the same shall be so sold, shall be obliged, and are hereby required from time to time, upon request of the seller or sellers thereof, without fee or reward, to give to the respective buyer or buyers thereof certificates in writing, signed by the respective officer or officers, expressing the quantities so sold, and the name and names of the respective buyers and sellers thereof; and that the duties by this act granted on such coffee, tea or chocolate so sold, have been paid, or that such cocoa nuts have been duly entred with the officer or officers of his Majesty's customs, or that the same have been condemned as forfeited, or were part of such stock in hand as aforesaid; which certificate shall be left with the officer or officers for the said duties of the respective divisions, to which the same is or are intended to be carried, to satisfy the said officers that no duties are to be answered for the same, that the seizing thereof may be prevented.

For coffee, &c. exceeding the weight of six pounds sold in such entred places, officer to give a certificate.

XVI. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four no coffee, tea, cocoa nuts or chocolate, exceeding the quantity of six pounds weight, shall be removed or carried from any part of this kingdom, by land or by water, without a permit or certificate, signed by one or more of the officers for the said inland duties hereby set and imposed, signifying and certifying the names and places of abode of the buyer and seller, and expressing the quantity and species of the commodity so permitted or certified for, and that his Majesty's inland duties chargeable by this act upon coffee, tea

Any quantity exceeding the weight of six pounds carrying without such permit or certificate is forfeited.

tea and chocolate have been duly paid and satisfied, nuts have been duly entered as aforesaid, or that the same have been condemned as forfeited, or were part of such stock in hand as aforesaid, upon pain of forfeiting the coffee, tea, cocoa nuts or chocolate which shall be found carrying from one place to another without such permit or certificate, together with the canisters, bags, jars, tubs, boxes, casks and other vessels or package whatsoever containing the same; which permit or certificate shall be left with the officer of the division to which the same shall be carried, to prevent the seizure thereof; in which permits or certificates the officers, who grant the same, shall express and limit the time for which the same shall continue in force.

The time to be limited by the officer for such permit or certificate to be in force.

Times for making entries of chocolate made.

Every week, if made within the weekly bills.

Every six weeks, if made in other parts.

sol. for every neglect of such entry.

Such entry to be upon oath.

Before whom such oaths shall be made.

XVII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and twenty four all and every person and persons whatsoever, who shall be a maker of chocolate, or the respective person or persons for whose use he, she or they shall make any chocolate, in case the same be made in London or Westminster, or in any parts within the limits of the weekly bills of mortality, shall weekly and every week, and in case the same shall be made in any other part of Great Britain, shall once in every six weeks, make a true and particular entry in writing at the next office for the said inland duties hereby set and imposed, of all chocolate which shall be made by or for him, her or them within such week or six weeks respectively; which said entries shall contain the weight of all chocolate by or for him, her or them respectively made within the time to which the same respectively relates, on pain of forfeiting for every neglect of entry the sum of fifty pounds; which entry shall be made upon oath by the said makers or proprietors respectively, or by his, her or their chief workman or servant employed therein, according to the best of their knowledge and belief, unless such maker or proprietor, or their respective workmen or servants making such entry or entries as aforesaid, be a known quaker, in which case the solemn affirmation of such maker or proprietor, or his, her or their workman or servant making such entry, shall and may be taken instead of such oath; and the said entries, oaths and affirmations to verify the same shall, for such chocolate as shall be made within the limits of the weekly bills of mortality, be made with and administered by such officer or officers, as shall be appointed by the respective commissioners for the said inland duties, or the major part of them for the time being, who shall attend at the general office for that purpose in London or Westminster (who have hereby power to administer the same) and for all chocolate which shall be made in other parts of Great Britain, with and by the collectors and supervisors of the district or division within which the respective makers or proprietors shall inhabit (who have hereby power to administer the same) without any fee or charge whatsoever to be demanded or taken for the same: provided always, That no such maker

or

or proprietor shall be obliged to go or send further than the market-town where such chocolate shall be respectively made, or the next market-town to the place where his, her or their chocolate shall be respectively made, for the making of such entries as aforesaid.

XVIII. And be it further enacted by the authority aforesaid, That all and every such maker or proprietor of such chocolate, in case the same shall be made in *London* or *Westminster*, or within the limits of the said weekly bills of mortality, shall within one week, and in case the same shall be made in any other part of *Great Britain*, shall within six weeks next after he, she or they shall so make or ought to have made such entry as aforesaid, pay and clear off all the said duties by this act set and imposed on such chocolate, which shall be due from him, her or them respectively; and that all and every such makers and proprietors of chocolate, who shall refuse or neglect to make such payment as aforesaid, shall forfeit and lose for every such offence the sum of fifty pounds, over and above the said duty whereof the payment shall be so refused or neglected; and that no such maker or proprietor of such chocolate, after such default in payment of the duties as aforesaid, shall sell, deliver, or carry out any chocolate, until he, she or they have or hath paid and cleared off his, her or their duties as aforesaid, on pain of forfeiting treble the value of all such chocolate so sold, delivered or carried out.

XIX. *And for the more effectual prevention of the unlawful importation of chocolate ready made from parts beyond the seas, and likewise the clandestine making thereof in Great Britain;* be it further

enacted by the authority aforesaid, That all chocolate which, from and after the twenty fourth day of *June* one thousand seven hundred and twenty four, shall be made in *Great Britain*, shall be packed up, and a stamp or mark put upon the same, in the manner herein after mentioned: that is to say, all such makers or proprietors of chocolate which shall be made in *Great Britain*, shall from time to time, and at the respective times and places where they are by this act directed and required to make such entries of the chocolate by or for them respectively made as aforesaid, produce all the chocolate contained in such entry, or which ought to be contained in such entry, at the respective offices where such entries are or ought to be made to the respective officers, who in pursuance of this act shall be appointed for the receiving of such entries, which chocolate shall be inclosed and tied up with thread in several papers, containing one pound weight of chocolate each, and not more or less, each of which papers to be tied up, shall by an officer to be appointed by the respective commissioners for the said duties for that purpose, or the major part of them respectively, have such a mark, stamp, impression or device affixed thereon, as shall be by the said respective commissioners, from time to time, devised or appointed for that purpose, which said mark, stamp, impression or device, shall or may be varied or altered, from time to time, in such

For such entry not to go further than next market-town.

Limitation of times for paying for chocolate made. Every week within the weekly bills. Every six weeks in other parts.

50l. for every neglect of paying.

All chocolate to be inclosed in stamp papers, each containing one pound.

Commissioners for these duties to appoint a stamp, and from time to time alter it.

manner,

manner, as the said commissioners shall judge to be most proper for the purposes aforesaid.

Chocolate stock in hand to be brought to offices to be stamped, viz. All within the weekly bills in 14 days after 24 June 1724. Chocolate in other parts in six weeks.

XX. And be it further enacted by the authority aforesaid, That all such chocolate, as shall or ought to be entred upon or before the said twenty fourth day of *June* one thousand seven hundred and twenty four, within the limits of the weekly bills of mortality, shall within fourteen days after the said twenty fourth day of *June* one thousand seven hundred and twenty four, and all such chocolate, as shall or ought to be entred upon or before the said twenty fourth day of *June* one thousand seven hundred and twenty four, in any other part of *Great Britain*, shall within six weeks next after the said twenty fourth day of *June* one thousand seven hundred and twenty four, be brought to the respective offices where the same entries shall or ought to be made, inclosed and tied up in like manner as is before directed, and shall then have such mark, stamp, impression or device affixed thereon as aforesaid.

Chocolate found unstamped in custody of any dealer forfeited.

XXI. And be it further enacted by the authority aforesaid, That from and after the end of the said last mentioned six weeks, all such chocolate, as shall be found in the possession or custody of any maker or feller of chocolate (other than and except such chocolate, for which the duties granted by this act shall not have been become due or payable) without such mark, stamp, impression or device thereon, shall be forfeited, and such maker or feller of chocolate shall further forfeit and pay twenty shillings for every pound weight of such chocolate so found in his or her custody or possession without such mark, stamp, impression or device as aforesaid; and all such chocolate as, from and after the end of the last mentioned six weeks, shall be found removing from one place to another without such mark, stamp, impression or device as aforesaid, shall be forfeited, and may be seized for his Majesty's use, together with the package containing the same.

Forfeit of 20s. for every pound of chocolate not stamped. Chocolate found removing without stamp, forfeited. For counterfeiting such stamp, the party forfeits 500l. and to suffer 12 months imprisonment. 11 Geo. 1. c. 30. sect. 13.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall at any time counterfeit or forge, or cause to be counterfeited or forged, any such mark, stamp, impression or device, which shall be provided and made use of in pursuance of this act, or shall utter, vend or sell any chocolate with such counterfeit mark, stamp, impression or device thereon, knowing the same to be counterfeit, then every such person or persons so offending therein, shall for every such offence forfeit and lose the sum of five hundred pounds, and also shall be committed to the next county gaol, there to remain for twelve months without bail or mainprize.

Chocolate made in private families.

XXIII. *And whereas many of his Majesty's subjects have been accustomed, or may be disposed, to make or cause chocolate to be made not for sale, or to make any profit thereof, but to be consumed in their own private families; for the better accommodation of such persons, it is hereby provided and enacted by the authority aforesaid, That from and after the said twenty fourth day of June*
one

one thousand seven hundred and twenty four, in case any such person or persons shall be minded to make any quantity of such chocolate at his, her or their own private house, or any other place, and shall give notice in writing, under his, her or their hand or hands, of such his, her or their intention to make such chocolate, to the officer for the said duties hereby set and imposed, of the division or place in which such chocolate for private use is intended to be made, by the space of three days at the least, before his, her or their beginning to work or make, or causing to be begun to be worked or made such chocolate, in which notice shall be particularly specified the weight or quantity of cocoa nuts designed to be so made into chocolate, the name or names of the person or persons to be employed in the making or working thereof, and the house or place where the same chocolate is to be so made, then and in every such case such officer or officers shall sign or give a permission in writing, under his or their respective hand or hands, without fee or reward, for the making or working such quantity of chocolate by such person or persons, and at such place or places, as shall be so notified as aforesaid, and such house or place shall not, in respect of the making such chocolate there, be subject or liable to be surveyed, visited or inspected by such officers as aforesaid; any thing in this act before contained to the contrary in any wise notwithstanding.

Upon three days notice officer may give private persons permissions to make chocolate for private use only.

XXIV. Provided always, and be it further enacted by the authority aforesaid, That in every such case the chocolate so made as aforesaid for private use, the person or persons who shall work or make the same, or for whose use the same shall be worked or made, do and shall, within three days after the finishing the working or making the quantity of chocolate so permitted to be made for private use, make or cause to be made, an entry on oath with the proper officer before directed to take entries of coffee, tea and chocolate, in the division, district or place, where such chocolate shall be made as aforesaid, of the whole quantity of chocolate then made by virtue of such permit, and shall bring or produce, or cause to be brought or produced, all such chocolate so made, ready wrapt up or inclosed, as before is directed; to have such mark, stamp, impression or device affixed thereon, and at the same time shall pay, or cause to be paid, the duty hereby imposed for the same chocolate; and that in default of such entry, marking or stamping, and payment of such duties as aforesaid, all such chocolate as shall not be entred, marked or stamped, or for which such duties shall not be paid as aforesaid, shall be forfeited, and the person or persons for whom the same shall be made, shall forfeit to his Majesty treble the value thereof.

But if within three days after finishing such chocolate, it is not entred, brought to be stamped, and the duty paid, the party forfeits the chocolate, and treble the value.

XXV. Provided always, and be it further enacted by the authority aforesaid, That no person or persons shall be permitted to work or make into chocolate, for his, her or their own private use, any quantity of cocoa nuts less than half one hundred

Less than half an hundred weight of cocoa nuts at each time not to be made in-

to chocolate
for private
use.

weight of cocoa nuts at a time; any thing in this act before contained to the contrary notwithstanding.

After 24 June
1724. Coffee,
tea and cocoa
nuts import-
ed, to be en-
tered at the cu-
stomhouse,
and put into a
warehouse
provided by
the importer,
and approved
by commissio-
ners of cu-
stoms.

Of and for
such part of
such coffee
and tea as is
sold to be con-
sumed in
Great Britain.

An entry to
be made.

The inland
duties to be
paid down.

On producing
to the ware-
house-keeper
a warrant or
certificate of

XXVI. And for the better securing the inland duties by this act granted upon coffee and tea sold to be consumed in this kingdom, and upon chocolate which shall be made and sold in *Great Britain*, by wholesale or retail, and to the intent that the same may not be too burthensome on the importers of such coffee and tea as shall be exported to parts beyond the seas; it is hereby provided and enacted by the authority aforesaid, That from and after the said four and twentieth day of *June* one thousand seven hundred and twenty four, all such coffee, tea and cocoa nuts, as shall be imported into the kingdom of *Great Britain* from any foreign parts, upon the entry thereof at the custom-house, and paying or securing the several subsidies and additional imposts which shall then remain due thereon, shall be forthwith carried or put into such warehouse or warehouses as shall be for that purpose provided, at the charge of the respective importer or importers of such coffee, tea and cocoa nuts, and shall be approved of by the commissioners of his Majesty's customs, or the major part of them for the time being; and the said importer or importers thereof shall have power to garble and separate in such warehouses such coffee and cocoa nuts, as hath been usual, to make it merchantable; and the said coffee, tea and cocoa nuts so brought into such warehouse or warehouses, shall not be taken or carried out thence upon any account whatsoever, other than as is herein after mentioned; that is to say, such of the said coffee and tea as shall be sold to be consumed in *Great Britain*, shall be delivered out of such warehouse or warehouses, upon payment of his Majesty's duties payable by this act for the same coffee and tea in manner following; that is to say, the importer or proprietor, or such person or persons as shall be appointed by him or her, shall for such coffee and tea which shall remain in such warehouse or warehouses within the cities of *London* or *Westminster*, or the weekly bills of mortality, make an entry with the receiver or collector of the said inland duties within the cities of *London* or *Westminster*, who shall be appointed to receive the same, of so much coffee or tea as he or she intends to take out of such warehouse, and pay down in ready money to such receiver or collector the respective inland duties by this act granted, amounting in the whole to two shillings for every pound weight of coffee, and four shillings for every pound weight of tea: and in all other places of *Great Britain* the importer or proprietor, or such person or persons as shall be appointed by him or her, shall make such entries at the office for the said inland duties as shall be appointed for that purpose, which shall be nearest to such warehouse or warehouses appointed as aforesaid, and pay down the said inland duties to the collector appointed to receive the same, and upon producing a warrant or warrants, certificate or certificates, signed by such respective collector or receiver (certifying that he has received the said inland duties by this act granted) to the respective warehouse-keeper or ware-

house-

house-keepers, such warehouse-keeper or warehouse-keepers shall deliver out of such warehouse or warehouses so much coffee or tea, intended for home consumption, as shall be mentioned or expressed in such warrant or warrants, certificate or certificates respectively, to have paid the said inland duties; and the respective warehouse-keeper and warehouse-keepers are thereupon to give to such importers or proprietors a permit or certificate to accompany such coffee or tea so delivered out, which permit or certificate shall be also signed by an officer attending the said warehouse or warehouses, who shall be appointed by the said commissioners for the said inland duties, or the major part of them, to prevent the seizing thereof; and as to such cocoa nuts as shall remain in such warehouse or warehouses, and shall be intended to be taken out of the same, in order to be made into chocolate in this kingdom, an entry thereof shall be first made by the importer or proprietor, or such person or persons as he or she shall appoint, with the respective receiver or collector appointed to receive or collect the said inland duties, as a charge upon such importer or proprietor, and also on the buyer of the same, which said receiver or collector respectively, shall certify such entry to the respective warehouse-keeper or warehouse-keepers; and upon such certificate the quantity of cocoa nuts mentioned therein, shall be delivered out of such warehouse or warehouses accordingly, with a permit or certificate, signed by the officer for the said inland duties at such warehouse, to be delivered to the officer of the said inland duties by this act granted, of the division or place to which such cocoa nuts are intended to be carried, to the intent that the same officer may take the same into stock; and as to such part of the said coffee, tea and cocoa nuts, as shall be intended for exportation to parts beyond the seas, the same shall be delivered out of such warehouse or warehouses unto the importers, or such buyers or other persons as such importers shall appoint in that behalf, upon sufficient security to be first given to his Majesty, his heirs and successors, which security the commissioners of the customs for the time being, or such officer or officers of the customs as they, or the major part of them shall from time to time appoint, are hereby required and impowered to take, that the same, and every part thereof, shall be exported, and not reloaded in *Great Britain*, which said securities shall be discharged without fee or reward, upon certificate returned or produced to the commissioners of the customs, or such officer or officers as aforesaid, under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known *British* merchants then being at such place or places, that such coffee, tea or cocoa nuts were there landed, or upon proof by credible persons, that such coffee, tea or cocoa nuts were taken by enemies, or perished in the seas, the examination and proof thereof being left to the judgment of the said commissioners of the customs for the time being.

having received the inland duties, such warehouse-keeper to deliver out so much. And to give a permit for so much.

As to cocoa nuts intended to be made into chocolate in this kingdom, the like method to be observed.

Such part of such coffee, tea and cocoa nuts in such warehouses as is intended to be exported, is to be delivered out upon sufficient security to export and not reload the same.

Such securities to be discharged on certificate.

XXVII. And for preventing all clandestine importing or bringing

Coffee, tea or cocoa nuts imported, not so entred and brought to such warehouse, and the package thereof, and horses employed in carrying thereof, may be seized.

bringing in of coffee, tea or cocoa nuts into this kingdom of *Great Britain*, be it further enacted by the authority aforesaid, That if any person or persons, bodies politick or corporate, from and after the said four and twentieth day of *June* one thousand seven hundred and twenty four, shall import or bring any coffee, tea or cocoa nuts (which ought to be secured in such warehouse as aforesaid) into *Great Britain*, and shall not make due entries thereof, and bring the same into the said warehouse or warehouses as aforesaid, the same shall be and is hereby adjudged to be clandestinely run, and unlawfully imported, and the same shall and may be seized by any officer or officers of the customs, or for the said inland duties hereby granted; and such person or persons, or bodies politick or corporate offending therein, shall forfeit and lose all the coffee, tea and cocoa nuts so clandestinely run, or unlawfully imported, together with the canisters, bags, casks or other vessels or things containing the same, and the horses, carts and other carriages made use of in the carrying of the same.

Upon disputes of paying or not paying duties, the proof to lie on the claimer.

XXVIII. Provided always, and it is hereby further enacted by the authority aforesaid, That if any dispute shall arise whether the customs or inland duties payable for any coffee or tea, or the customs for any cocoa nuts, which shall be seized in pursuance of this act, have been duly paid, or that the same or any part thereof have been condemned as forfeited, the proof thereof shall lie upon the owner or claimer thereof, or the person or persons on whom the same shall be found, and not on the officer.

Every warehouse keeper to keep a book for entring all brought in and all carried out, and to transmit accounts.

XXIX. And for preventing the clandestine carrying the said coffee, tea or cocoa nuts out of the said warehouses, be it enacted by the authority aforesaid, That the keeper or keepers of the said warehouse and warehouses, who shall be appointed by the commissioners of his Majesty's customs, and the person or persons, who shall be appointed by the commissioners of the said inland duties granted by this act to attend the said respective warehouses, shall each of them keep one or more book or books, wherein they shall respectively and separately fairly enter in writing an exact, particular, and true account of all coffee, tea and cocoa nuts, which from time to time shall be brought into and carried out of the respective warehouse or warehouses, to which he or they shall respectively belong, and the days and times when the same shall be so brought in and carried out, and how much thereof was delivered out to be consumed and spent in *Great Britain*, and how much for exportation, and the names of the respective person or persons, to whom or for whose use the same was delivered out, and shall at the end of every six months, or oftner, if required, transmit in writing an account thereof upon oath to the respective commissioners of the customs, and for the said inland duties hereby granted for the time being, under whom they respectively serve, together with an exact account of how much shall be remaining in the respective warehouse or warehouses to which they respectively belong; and

At the end of every six months, or sooner, if required.

the

the said commissioners of the customs, and the commissioners for the said inland duties, severally and respectively are hereby required and enjoined, within one month after the same shall be respectively transmitted to them as aforesaid, to appoint one or more person or persons to inspect the said respective book or books, warehouse or warehouses, and to examine the same accounts, and if upon examination it shall appear that any of the said coffee, tea or cocoa nuts, were delivered out otherwise than as aforesaid, or before payment of his Majesty's inland duties for such of the said coffee and tea, as shall have been sold to be consumed in *Great Britain*, or giving such security as aforesaid for such of the said coffee or tea, which shall be delivered out for exportation as aforesaid, then the warehouse-keeper or warehouse-keepers, and officer or officers respectively offending therein, shall not only be disabled to hold or enjoy any publick office or employment, but shall also forfeit and lose, for every such offence, the sum of one hundred pounds.

If upon examining such accounts, it shall appear, that any such coffee, &c. has been unduly delivered out, such warehouse-keeper to be incapable of any office, and to forfeit 100 l.

XXX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the proprietor or proprietors of the said coffee, tea or cocoa nuts, so to be lodged in any such warehouse or warehouses as aforesaid, to affix one lock to every such warehouse, the key of which shall remain in the custody of such proprietor or proprietors, and to and for the officer or officers to be appointed by the said commissioners for the said inland duties to attend such warehouse or warehouses, to affix one other lock upon every such warehouse or warehouses, the key whereof to remain in the custody of the said officer for the said inland duties; and the said proprietor and proprietors shall and may, in the presence of the said warehouse-keeper or warehouse-keepers, and officer or officers appointed for the said inland duties (who are hereby obliged to attend at all reasonable times for that purpose) view, sort and receive out of the said warehouse or warehouses, the said coffee, tea or cocoa nuts, or any part thereof in manner following; that is to say, such of the said coffee or tea which shall be sold to be consumed in *Great Britain*, upon paying the inland duties hereby charged thereon, to the persons and in the manner herein before prescribed; and such of the said cocoa nuts as are intended to be made into chocolate in *Great Britain*, upon making an entry thereof in the manner before prescribed, and giving permits and certificates as is before directed; and such of the said coffee, tea and cocoa nuts as shall be sold for exportation, upon giving such security as is before in that behalf expressed.

Proprietor of such coffee, and such warehouse-keeper, each to have a lock and key.

Warehouse-keeper to attend at reasonable times.

XXXI. And for the more effectual securing the said inland duties upon coffee by this act imposed, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners for the said inland duties for the time being, or the major part of them, if they shall think it convenient and necessary, from time to time to provide such and so many houses, as they shall judge expedient, and at such places as they shall think most proper, for the roasting of all such coffee-berries

Commissioners for the inland duties may provide roasting-houses, and officers to attend.

ries as shall be brought to them respectively for that purpose, and shall constitute and appoint such officers as they shall think necessary for attending the same, and one or more person or persons at each house, well skilled in the roasting of coffee, who are constantly to attend at such roasting-house for that purpose, and also proper materials for the roasting thereof; to which all importers, sellers and dealers in coffee, either by wholesale or retail, or any other person or persons whatsoever, may resort to have their coffee-berries roasted, bringing a certificate from some or one of the officers for the said inland duties, that the duty of such coffee-berries, so brought to be roasted, hath been paid, or that the same was part of the stock in hand of some dealer in coffee on the said twenty fourth day of *June* one thousand seven hundred and twenty four, or that the same had been condemned as forfeited, for the roasting of which coffee no more shall be paid than eight shillings for every one hundred weight *averdupois* thereof, and in that proportion for a greater or lesser quantity.

8 s. per hundred weight, proportionably, for roasting coffee-berries.

Sellers and dealers may send their own roaster,

paying 3s. per hundred weight, and proportionably.

During the continuing such houses, no coffee-berries to be roasted elsewhere, on forfeiting the coffee and 5 s. per pound.

Officer or roaster not attending, forfeits for first offence 10 l. for second 20 l. and to be incapable, &c.

XXXII. Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for all sellers and dealers in coffee, either by wholesale or retail, to appoint such person or persons as he or they shall respectively think proper for the roasting of their coffee-berries in such houses to be provided as aforesaid, who shall be permitted to roast the same therein accordingly, paying only three shillings for every hundred weight thereof, and in that proportion for a greater or lesser quantity.

XXXIII. And be it further enacted by the authority aforesaid, That from and after the providing of such roasting houses, and during the continuance of the same for the purposes aforesaid, no coffee-berries shall be roasted, burnt or dried in *Great Britain*, in order to make the same fit for sale, but in some one of those houses to be provided as aforesaid, upon pain of forfeiting the coffee which shall be so roasted, burnt or dried in any place, other than in some one of those houses to be provided as aforesaid, and the sum of five shillings for every pound weight of coffee-berries, which shall be so roasted, burnt or dried in any other place than in some one of the said houses to be provided as aforesaid, and in that proportion for a greater or lesser quantity.

XXXIV. Provided always, and be it further enacted by the authority aforesaid, That if any officer or officers, roaster or roasters of coffee, who shall be appointed by the commissioners for the said inland duties hereby granted, to attend such roasting-houses as aforesaid, shall neglect or refuse to give due attendance at such roasting-houses, for the roasting of such coffee as shall be brought thither for that purpose, such officer or officers so neglecting or refusing, shall, for every such offence, forfeit and lose the sum of ten pounds for such his or their first offence therein; and in case such officer or officers shall afterwards offend in the same nature a second time, such officer or officers,

for

for such second offence, shall respectively forfeit the sum of twenty pounds, and also from thenceforth be incapable of holding any office or employment in any branch of his Majesty's revenues: provided always, That no feller or dealer in coffee, tea or cocoa nuts shall receive out of any of the publick warehouses aforesaid, any less quantity of coffee, tea or cocoa nuts than one hundred weight of each sort at one time, except in such particular cases where the importation and delivering into such warehouses shall be in less quantities or parcels, or where the said goods shall be publickly sold by any lot or lots, parcel or parcels, in less quantities than one hundred weight of each sort.

XXXV. And it is hereby further enacted by the authority aforesaid, That for the better ascertaining the quantities of all coffee, tea, cocoa nuts and chocolate which shall from time to time be sold, all sellers and dealers therein, or in any of them, and all makers of chocolate, and all coffeehouse-keepers and chocolatehouse-keepers who shall sell or consume the same, or any of them, in small quantities under the weight of six pounds, shall and are hereby obliged and directed, from time to time, after the said twenty fourth day of *June* one thousand seven hundred and twenty four, to keep an account of all such coffee, tea, chocolate and cocoa nuts, which they or any of them respectively shall so sell or consume in small quantities in each day, and shall every night enter in a book, to be kept for that purpose, an account of the gross quantities of the said several commodities which have been by him, her or them respectively so retailed or consumed in that day in small quantities under the said weight of six pounds; and the said sellers or dealers in coffee, tea, cocoa nuts and chocolate, and coffeehouse-keepers and chocolatehouse-keepers shall also keep one other book, wherein they shall respectively enter each parcel of coffee, tea, cocoa nuts or chocolate above the weight of six pounds, which they shall respectively sell in each day; which said parcels of coffee, tea, cocoa nuts or chocolate, above the weight of six pounds, shall not be removed out of the respective sellers custody, without a permit or certificate signed by some officer for the said duties, expressing the quantity and quality of the coffee, tea, cocoa nuts or chocolate so sold, and the name of the persons so selling, and the persons so buying the same, and the place to which the same is intended to be carried, and that the duties by this act charged on the coffee, tea and chocolate were paid, or that the cocoa nuts were entred, or that the same were condemned as forfeited, or were part of the stock in hand of some person or persons, expressing their names, of which an account had been taken on or before the said twenty fourth day of *June* one thousand seven hundred and twenty four; which said books shall be, and are hereby directed to be prepared for the making such entry as aforesaid, and delivered, upon demand, unto the respective sellers and dealers in coffee, tea, cocoa nuts and chocolate, by the commissioners for the said inland duties, or such person or persons, as they the same commissioners for the said inland duties

No dealer, &c. to receive out of such warehouse less than 100 weight of coffee, tea and cocoa nuts respectively at each time: except where the importation is in less quantities.

All sellers of, &c. and keeper of coffee and chocolate-houses, to keep accounts of quantities less than 6 pounds of coffee, tea and chocolate daily sold or consumed, and the totals to be every night set down in a book.

The like sellers, &c. in one other book to set down each parcel sold, &c. being above 6 pounds.

Such parcels above 6 pounds not to be removed without permit.

Such books to be prepared by the commissioners for the inland duties.

No feller to have at the same time above one book of each sort. Such books when filled up, to be delivered back upon oath.

Books so kept to lie open to be perused by officers.

Refusers to keep such books, make such entries, or to permit officers to inspect them, or not delivering them back, or for making false entries, forfeit 100 l.

Coffee and tea being now in warehouses and there having been yet paid only such duties as do belong to the crown after the expiration thereof.

Such coffee and tea remaining in such warehouses on or after the said 24th of June 1724, is chargeable with the inland duties.

shall for that purpose direct and appoint: provided always, That no such feller or dealer as aforesaid, shall have in his, her or their custody, more than one such book of each sort at a time; and when the said books in their custody shall be filled up, the same are hereby directed, from time to time, to be returned to the respective officer or officers for the said inland duties, from whom the same were respectively received, upon the oath, or in case of a Quaker, upon the solemn affirmation of such fellers or dealers as aforesaid, or his, her or their servant or servants, who kept the same, and made the entries therein, of the truth of such entries, according to the best of his, her or their knowledge and belief; and one or more new book or books shall thereupon be delivered to such respective fellers or dealers, in the room of such book or books so returned, and so *toties quoties*, as often as such book or books shall be filled up with such entries; which said books so kept by such respective fellers or dealers shall, from time to time, lie open to be perused by the officers for the said inland duties hereby granted, the better to enable them to make their charges of such duties, and keep their stocks of the increase and decrease of the respective commodities charged therewith: provided always, That if any such feller or dealer in coffee, tea, cocoa nuts or chocolate shall neglect or refuse to keep such books, and make such entries therein, or to permit the said officers for the said duties to inspect them, or not return the said books according to the direction of this act, or shall make any false entry in such book or books, he, she or they shall, for every such offence, forfeit and lose the sum of one hundred pounds.

XXXVI. *And whereas several quantities of coffee and tea have been or may be imported, and upon importation thereof, the duties, which by law remain to the crown on exportation only, have been paid or secured, part of which coffee or tea may, upon the said twenty fourth day of June one thousand seven hundred and twenty four, be in some one or more of the warehouse or warehouses appointed in pursuance of the said act of the tenth year of the reign of her said late majesty Queen Anne, under the care and custody of the respective proprietors thereof, and the respective warehouse-keepers appointed by the commissioners of his Majesty's customs for that purpose; all the duties of which said coffee and tea, which are, in pursuance of this act, to cease and determine on the said twenty fourth day of June one thousand seven hundred and twenty four, not having been paid for the same; it is therefore provided, enacted and declared, by the authority aforesaid, That, from and after the said twenty fourth day of June one thousand seven hundred and twenty four, so much only of the several and respective inland duties by this act set and imposed upon coffee and tea, as have not been paid for the duties hereby determined, shall be and are hereby set, imposed and chargeable upon all the said coffee and tea respectively, which shall be so found in such warehouse or warehouses upon or after the said twenty fourth day of June one thousand seven hundred and twenty four.*

XXXVII. *And be it further enacted by the authority aforesaid*

faid, That the respective importer or importers, proprietor or proprietors of such coffee and tea so found in such warehouse or warehouses, shall, within one month next after the said twenty fourth day of *June* one thousand seven hundred and twenty four, or upon delivery thereof out of the said warehouses before the expiration of the said month, make an entry at the customhouse of all such coffee and tea so found, and shall pay or secure the remaining customs or duties due thereon, which, notwithstanding this act, are still to be paid or secured at the customhouse at the importation thereof, that is to say, the old subsidy, the new subsidy, the one third subsidy and the two thirds subsidy, and the additional impost, and on failure thereof, all such coffee and tea shall be forfeited and lost; and in case the said coffee and tea, or any part thereof, shall be exported within the time allowed by law for that purpose from the importation thereof, the exporter or exporters thereof shall, on a proper debenture, be entitled to draw back all the duties that shall have been paid on such importation, or the security for the same shall be vacated, as to so much thereof as shall be exported (except half of the old subsidy so paid or secured as aforesaid, which is to remain to the crown) and upon payment of the inland duty for so much of the said coffee and tea as shall remain unexported, the securities given in respect of the same coffee and tea, shall also be vacated; any law, custom or usage to the contrary thereof in any wise notwithstanding.

XXXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the officers of the said duties granted, by this act, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four, from time to time, to enter into all and every such last mentioned warehouse or warehouses, wherein such coffee and tea, or any of them, shall be kept, and to weigh and take an account of the respective quantities thereof, and the respective proprietors of the same, and to and for the commissioners for the said inland duties, or the major part of them, to appoint one or more warehouse-keeper or warehouse-keepers of such warehouse or warehouses of such coffee and tea; which said warehouse-keeper or warehouse-keepers so appointed for the same warehouse or warehouses last mentioned respectively, shall and may affix one lock upon every such warehouse or warehouses, the key whereof shall remain in the custody of such warehouse-keeper or warehouse-keepers respectively; which said coffee or tea, so remaining in such warehouse or warehouses, shall not be taken from or out of the same, without first paying the respective duties imposed thereon by this act: and the said last mentioned warehouse-keeper and warehouse-keepers shall keep such and the like books, and make such and the like entries therein, and transmit such and the like accounts in writing upon oath to the commissioners for the said inland duties hereby granted, and do and perform all such other matters and things, with respect to the coffee and tea which shall be so under their care and inspection, as are pre-

And must be entered at the customhouse upon delivering out.

And if the old duties are not paid or secured, such coffee and tea shall be forfeited.

If such coffee and tea is exported, exporter to have a drawback.

On paying the inland duties the securities to be delivered up.

Officers for the inland duties to enter such warehouses, and to take accounts.

Commissioners for the inland duties to appoint warehouse-keepers.

Such coffee and tea not to be taken out of such warehouses without paying the inland duties.

Such warehouse-keepers to keep books, and transmit accounts to the commissioners.

for the inland duties. Such warehouse-keepers liable to the penalties, forfeitures and disabilities as before.

scribed, directed and required to be done and performed by the warehouse-keepers who shall be appointed, in pursuance of this act, for the warehouses in which all coffee and tea which shall be imported into *Great Britain* from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four, are directed to be kept, under the like penalties, forfeitures and disabilities as the said first mentioned warehouse-keeper and warehouse-keepers are subject and liable unto by virtue of this act for any offence or neglect by them committed against this act.

Coffee, tea, &c. concealed, &c.

XXXIX. And be it further enacted by the authority aforesaid, That if any seller or dealer in coffee, tea or cocoa nuts, or any maker or seller of chocolate, shall hide or conceal any coffee, tea, cocoa nuts or chocolate from the sight or view of the officers of the said inland duties by this act granted, with an intent to defraud his Majesty of the same, the person or persons offending therein shall forfeit and lose all such coffee, tea, cocoa nuts and chocolate which shall be found so concealed, and treble the value thereof, and also all canisters, bags, boxes, jars, tubs and other vessels and package containing the same.

And the treble value forfeited.

And the treble value forfeited.

XL. And be it enacted by the authority aforesaid, That if, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty four, any person or persons whatsoever shall assault, resist, oppose, molest, obstruct or hinder any officer or officers of the customs, or for the duties by this act granted, in the due seizing or securing of any coffee, tea, cocoa nuts or chocolate which by any officer or officers of the customs, or for the duties hereby granted, shall or may be seized by virtue or in pursuance of this or any other act or acts now in force, or hereafter to be made, or shall by force or violence rescue, or shall cause to be rescued, any of the said commodities after the same shall have been seized by such officer or officers as aforesaid, or shall attempt or endeavour so to do, or after such seizure shall stove, break or otherwise destroy or damage any vessels or package, wherein the same shall be contained, all and every the party or parties so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

Penalty 50l.

All penalties and forfeitures, as well specifick as pecuniary, to be sued for, &c. as by the laws of excise.

XLI. And it is hereby further enacted by the authority aforesaid, That all fines and penalties, and all forfeitures, as well specifick as pecuniary, relating to the inland duties by this act imposed, or to the commodities hereby prohibited to be imported, or to any seizures made in pursuance of this act, shall be sued for, levied and recovered, or mitigated, by such ways, means and methods as any fine, penalty and forfeiture is or may be recovered or mitigated by any law or laws relating to his Majesty's revenues of excise, or any of them, or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, for any thing done in that part of *Great Britain* called *England*, or the court of exchequer at *Edinburgh*, for any thing done in that part of *Great Britain* called *Scotland*; and that one moiety of every such fine, penalty and forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety there-

One moiety to the crown, the other to the informer,

thereof to him or them that shall seize, inform and sue for the same.

XLII. Provided always, and it is hereby enacted by the authority aforesaid, That such persons as shall, for the time being, be in pursuance of this act appointed commissioners for the duties on coffee, tea and chocolate, arising or to arise in *England, Wales* or town of *Berwick upon Tweed*, or the major part of them, shall have and exercise the same or like jurisdiction, power and authority, and may judge, determine, mitigate or order in all cases and matters relating to the duties arising within the limits aforesaid, as the commissioners of excise upon beer and ale, and other liquors, may or lawfully can or ought to exercise, adjudge, determine, mitigate or order in like cases or matters in relation to the said duties on excise; and that the judgments which shall be so given in pursuance of this act by the said commissioners and justices of the peace respectively, shall be, and are hereby declared to be final, and not liable to be removed by *Certiorari* into any of the courts at *Westminster*; any law, statute or provision to the contrary thereof in any wise notwithstanding.

Commissioners for the duties granted by this act to have the like powers, &c. as the commissioners of excise.

Judgments pursuant to this act not to be removed by *Certiorari*.

XLIII. Provided always, and it is hereby enacted by the authority aforesaid, That every person who shall be appointed a commissioner for the duties by this act granted, and every subordinate officer under such commissioners, who shall receive any salary or allowance in respect of his or their office, shall, before he or they shall act in their respective trusts, take an oath for his and their due and faithful execution of the same, according to this act; which oath shall and may be administered to any such commissioner by any other person who shall be appointed a commissioner as aforesaid, and to the said officers respectively, by any one of the said commissioners, or by one justice of the peace, who shall give to such officer a certificate thereof *gratis*.

All commissioners and officers to be sworn faithfully to execute this act.

XLIV. And it is hereby enacted by the authority aforesaid, That if any person or persons shall be sued, molested or prosecuted for any thing done by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence in his defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff shall discontinue his action, or be nonsuited, or judgment shall be given against him upon demurrer or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff.

General issue.

Treble costs.

XLV. And to the end all the rates and duties upon coffee, tea and chocolate consumed in *Great Britain* by this act granted, may be duly and certainly raised, and the same (except the necessary charges of executing this act) may be justly and duly brought into the said receipt of his Majesty's exchequer, according to the true meaning hereof, it is hereby enacted by the authority aforesaid, That from time to time there shall be appointed such and so many commissioners and officers as shall be proper and necessary for managing, raising, collecting and paying the said several rates and duties herein before granted, and for keeping and

Commissioners and officers for these duties subject to the like penalties as in
 9 & 10 W. 3. c. 44.
 and rendering the accounts of the same; and that the respective commissioners and officers concerned therein, shall perform their several duties in relation to the premisses, as to them respectively shall appertain, under such and the like penalties, forfeitures and disabilities for any offence or neglect therein, or for detaining, diverting, or misapplying any part of the monies arising by the same rates and duties, as are prescribed and to be inflicted by virtue of an act of parliament made and passed in the ninth year of his late majesty King *William* the Third, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East-Indies*, for the like offence or neglect relating to the duties thereby granted or referred unto, or for detaining, diverting or misapplying any part of the monies which were granted or appropriated by the act of parliament last mentioned.

How the money arising by the inland duties is to be applied.
 7 Ann. c. 7. f. 33.
 3 Geo. 1. c. 7.
 XLVI. Provided always, and it is hereby enacted by the authority aforesaid, That one moiety of the monies arising by the said inland duties by this act charged and imposed upon all coffee and tea, and all the money arising by the said inland duty by this act charged upon chocolate, shall be appropriated, issued and applied, and the same are hereby appropriated and made payable to the same uses, intents and purposes, as the duties upon coffee, tea, chocolate, cocoa nuts and cocoa paste, continued and made perpetual by the said act of the seventh year of the reign of her said late majesty Queen *Anne*, were appropriated and applicable before the making of this present act, and shall be also subject and liable to the same redemption by parliament, as the said duties upon coffee, tea, chocolate, cocoa nuts and cocoa paste, continued and made perpetual by the last mentioned act, were by the same act subjected and liable unto; and the remaining moiety of the monies arising by the said inland duties by this act charged and imposed upon all coffee and tea as aforesaid, shall be appropriated, issued and applied, and the same is hereby appropriated to the same uses, intents and purposes, as the duties upon coffee and tea, continued and made perpetual by the said act of the third year of the reign of his present majesty King *George*, were and stood appropriated and applicable before the making of this present act; and shall also be subject and liable to the same redemption by parliament, as the said duties upon coffee and tea, continued and made perpetual by that act, were by the said last mentioned act subjected and liable unto.

The old subsidy on imported tea to be
 XLVII. *And whereas by law the several subsidies and additional impost, payable upon tea imported from any place within the limits of the East-India company's charter, are to be computed according to the gross price at which such tea is publickly sold by auction or inch of candle, after the deduction of the customs, and other duties payable thereon to his Majesty at importation, and other deductions; be it enacted by the authority aforesaid, That all tea imported or to be imported as aforesaid, shall, from and after the said twenty fourth day*

day of *June* one thousand seven hundred and twenty four, pay the old subsidy of twelve pence in the pound, granted by an act of parliament made in the twelfth year of the reign of his late majesty King *Charles* the Second, according to the reduced value thereof, after the deductions before mentioned, and the several other subsidies and additional impost upon tea are to be paid on the importation thereof, according to such reduced value proportionably; any thing herein contained to the contrary in any wife notwithstanding.

XLVIII. *And whereas the several subsidies and additional impost upon coffee and cocoa nuts imported, are by law charged according to the value at which such coffee and cocoa nuts are sworn by the importers, which by experience has been found to be very unequal, some persons valuing the same at far lower prices than others, to the detriment of the revenue, and the discouragement of fair traders: for remedy thereof for the future, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and twenty four, all coffee imported shall be rated at seven pounds, for every hundred weight, containing one hundred and twelve pounds, and all cocoa nuts imported shall be rated at fifty shillings for every hundred weight, containing one hundred and twelve pounds; and the subsidy of twelve pence in the pound, by the said act of the twelfth year of the reign of his said late majesty King *Charles* the Second, shall be paid according to such respective rates of seven pounds and fifty shillings, and the further subsidy, the one third and two third subsidies, and additional impost, shall be paid according to such rates respectively, and not according to the value sworn; any law, custom or usage to the contrary thereof in any wife notwithstanding.*

XLIX. *And whereas over and above the inland duties by this act charged upon coffee and tea imported, and upon chocolate made in this kingdom, the several duties hereafter mentioned are by law still payable at the custom-house upon and for coffee, tea and cocoa nuts imported, that is to say, the old subsidy, the new subsidy, the one third and the two third subsidies, and the additional impost; be it enacted by the authority aforesaid, That the said several subsidies and additional impost, shall be paid or secured, and shall be raised, levied and collected, in such manner and form, and by such ways and means, and under such penalties and forfeitures, with such discounts, allowances and drawbacks as are mentioned and expressed in the several acts of parliament, which granted or continued the said respective subsidies and additional impost; and all powers, penalties, provisions, articles and clauses therein contained, shall continue and be of full force and effect, and shall be applied, practised and executed, for the raising, levying, collecting, securing, answering and paying the said respective duties, as fully and effectually to all intents and purposes, as the same might and ought to have been in case this act had never been made; any thing herein contained to the contrary notwithstanding.*

L. *Provided nevertheless, and it is hereby further enacted and declared*

according to the reduced value.

Imported coffee rated at 7l. per hundred weight, cocoa nuts at 50s. per hundred weight.

The former customs still remaining on coffee, tea and cocoa nuts,

to be still paid, &c. according to the former acts.

Not to give to any new powers to import tea.

declared by the authority aforesaid, That nothing in this act contained shall give or grant, or extend, or be construed to give or grant any power, authority or licence to any person or persons whatsoever, to import any tea into any of his Majesty's dominions, but such only as could by law import the same, and in such manner as the same could be lawfully imported before the making of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Cocoa nuts lawfully imported before 29 Sept. 1723, may be exported before 25 June 1725.

LI. Provided always, and be it enacted and declared by the authority aforesaid, That in all cases where it shall appear to the satisfaction of the commissioners of his Majesty's customs, or any three or more of them (who are hereby impowered and required to examine the matter upon oath) that any cocoa nuts have been lawfully imported into this kingdom before the twenty ninth day of *September* one thousand seven hundred and twenty three, and that the duties then payable by law upon the importation thereof have been paid, or secured to be paid, it shall and may be lawful for the owners or importers thereof, to export the same at any time or times before the twenty fourth day of *June* one thousand seven hundred and twenty five (security against fraudulently relanding the same being first given, as is usual in cases of exportation;) and upon such exportation such and the same drawbacks, allowances and advantages shall be had and allowed to such importers or proprietors respectively, as if the same had been exported within the respective time or times allowed by law for the exportation thereof: provided such cocoa nuts shall, on or before the twenty fourth day of *June* one thousand seven hundred and twenty four, be brought into some or one of the warehouses to be appointed pursuant to this act, or the key or keys of the warehouse or warehouses, where the same are or shall be then kept, be, on or before the said twenty fourth day of *June* one thousand seven hundred and twenty four, delivered to some or one of the officers to be appointed for the said inland duties, to prevent frauds in relation thereto; any law, usage or custom, or any thing in this act contained to the contrary notwithstanding.

Provided such cocoa nuts be brought into such warehouse, &c.

Relief granted to Robert Dalzell, earl of Carnwath, &c.

LII. *And whereas all the real and personal estate of Robert Dalzell, late earl of Carnwath, attainted of high treason, was forfeited, and great part thereof, by one or more acts or acts of parliament, is vested in trustees, to be sold for the use of the publick; which part, so vested in the trustees, hath been sold accordingly for the sum of five thousand one hundred pounds: and whereas the said Robert Dalzell, late earl of Carnwath, having for these eight years and upwards been destitute of all necessary subsistence, has contracted considerable debts for the support and maintenance of himself and his family: now in compassion to the deplorable condition of the said Robert Dalzell, late earl of Carnwath, and his family, we your Majesty's dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do humbly pray, that it may be enacted; and be it enacted by the authority aforesaid, That out of the said five thousand one hundred pounds, arising from the sale*

or

or produce of the estate of the said *Robert Dalzell*, late earl of *Carnwath*, so forfeited as aforesaid, such sum or sums of money (after paying the proportionable part of the demands of such creditors, whose claims have been allowed upon, and do affect the said estate) shall and may be taken, issued and applied, for and towards the future support and maintenance of the said *Robert Dalzell*, late earl of *Carnwath*, and his family, and for the payment of his debts; without account, imprest or other charge to be set upon him for the same, as his Majesty in his great goodness shall, by his sign manual, think fit to direct and appoint: and the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized, impowered and directed, to cause the same to be paid to the said *Robert Dalzell*, late earl of *Carnwath*, or his assigns accordingly, without abatement for fees, charges or other deductions whatsoever; any former law, custom or statute to the contrary, or any incapacity by reason of the attainder of the said *Robert Dalzell*, late earl of *Carnwath*, notwithstanding.

C A P. XI.

An act to prevent multiplicity of prosecutions upon an act made in the eleventh and twelfth years of the reign of his late majesty King William the Third, intituled, An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom.

WHEREAS by an act made in the eleventh and twelfth years of the reign of his late majesty King William the Third of glorious memory, intituled, An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom, it is, amongst other things enacted, That all wrought silks, bengals, and stuffs mixed with silk or Herba of the manufacture of Persia, China, or East-India, and all callicoes painted, dyed, printed or stained there, whether the same shall be mixed, sewed or made up together for sale, with any other goods or materials, or otherwise, which from and after the twenty ninth day of September one thousand seven hundred and one, shall be found in any house, shop or warehouse, or other place whatsoever (other than in such warehouses, as shall be approved of by the commissioners of his Majesty's customs) shall be forfeited, and subject and liable to be searched for and seized; in which said act it is provided, that the powers therein shall not extend to any such silks, bengals, stuffs or callicoes which shall have been made up and used in any sort of apparel or furniture before the said twenty ninth day of September one thousand seven hundred and one: and whereas several persons have, since the said twenty ninth day of September one thousand seven hundred and one, inadvertently made up and used the said prohibited goods in furniture and household-stuff, believing the act extended to apparel only, and thereby have subjected themselves to the penalties of the said act: for remedy whereof, and preventing the numberless prosecutions that might happen from such

Act 11 W. 3.
c. 10. not to
extend to In-
dia silks, &c.
made up in
furniture be-
fore 25 Dec.
1722.

such inadvertency, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said recited act, or any thing therein contained, shall not extend to any silks, bengals or stuffs mixed with silk or *Herba*, or painted, dyed, printed or stained callicoes, manufactured in *Persia*, *China* or *East-India*, which were made up, or used in furniture or household-stuff before the twenty fifth day of *December* one thousand seven hundred and twenty two; any thing in the said recited act, or any other act or acts of parliament to the contrary notwithstanding.

C A P. XII.

An act for repairing the roads leading from Stump-Cross, in the parish of Chesterford in the county of Essex, to Newmarket-Heath, and the town of Cambridge, in the county of Cambridge.

This act took place 1 June 1724, and is to continue for 21 years. *Continued by 15 Geo. 2. c. 16.*

C A P. XIII.

An act for amending the roads from the stones-end in Southwark to Highgate, at the entrance of Ashdown forest in the parish of East-Grintead in the county of Suffex, and from Kingston to Burton-Common, and also the lane leading from Wood Hatch to Sidlow-Mill, and the lanes called Horse-hills, Bonehurst alias Boners, and Peteridge-Lanes, in the county of Surrey, by enlarging the terms granted by two former acts, one of the fourth, and the other of the sixth year of his Majesty's reign.

The powers, &c. in the private act 4 Geo. 1. c. 4. which were to continue for 21 years from 25 March 1718, which term was enlarged by 6 Geo. 1. c. 26. for two years, are further continued for twenty one years longer from thence next ensuing, for the purposes in this act. *Farther continued by 25 Geo. 2. c. 51.*

C A P. XIV.

An act for enlarging the times for bearing and determining claims by the trustees for raising money upon the estates of the late directors of the South-Sea company, and others; and for reviving and continuing the provision formerly made against requiring special bail in actions or suits upon contracts for stock or subscriptions, between the first day of December one thousand seven hundred and nineteen, and the first day of December one thousand seven hundred and twenty; and for other purposes therein mentioned.

7 Geo. 1. stat.
1. c. 28.
*Farther provisions for these matters, 13
Geo. 1. c. 22.*

WHEREAS by an act of parliament made in the seventh year of his Majesty's reign, intituled, An act for raising money upon the estates of the late sub-governor, deputy-governor, directors, cashier, deputy-cashier, and accountant of the South-Sea company, and of *John Aislavie*, esquire, and likewise of *James Craggs*, sen. esquire, deceased, towards making good the great loss and damage sustained by the said company; and for

or disabling such of the said persons as are living to hold any office or place of trust under the crown, or to sit or vote in parliament for the future; and for other purposes in the said act expressed: *it is enacted (amongst other things) That all and every the real estate and estates whatsoever, and of what nature or kind soever, and all rights of action, uses, trusts, powers and authorities whatsoever, and all and every the share and shares in the capital stock or stocks of any corporation, company or society, and all monies due upon any account or accounts balanced or to be balanced, and all other debts and securities for debts, and all ready monies, goods, and merchandizes, personal estate and effects whatsoever, of what nature or kind soever, which Sir John Fellows, baronet, late sub-governor, Charles Joye, esquire, late deputy-governor, and William Astell, esquire, Sir Lambert Blackwell, baronet, Sir John Blunt, baronet, Sir Robert Chaplain, baronet, Sir William Chapman, knight and baronet, Robert Chester, esquire, Stephen Child, esquire, Peter Delaporte, esquire, Francis Eyles, esquire, James Edmondson, esquire, Edward Gibbon, esquire, John Gore, esquire, Sir William Hammond, knight, Francis Hawes, esquire, Richard Horsey, esquire, Richard Houlditch, esquire, Sir Theodore Janssen, knight and baronet, Sir Jacob Jacobson, knight, Arthur Ingram, esquire, Sir John Lambert, baronet, Sir Harcourt Master, knight, William Morley, esquire, Ambrose Page, esquire, colonel Hugh Raymond, Samuel Read junior, esquire, Thomas Reynolds, esquire, Jacob Sawbridge, esquire, William Tillard, esquire, and John Turner, esquire, late directors of the corporation of the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the said company, commonly called the South-Sea company, and also Robert Knight late treasurer or cashier, Robert Surman late deputy-cashier, John Grigby late accountant to the said corporation, and John Aillanie, esquire, every or any of them, upon the first day of June anno Domini one thousand seven hundred and twenty, or at any time or times afterwards, or which James Craggs the elder, deceased, or any person or persons in trust for him at the time of his death, was or were seized or possessed of, or interested in, or entitled unto, in law or equity in their or any of their own rights, or to is or their own use or uses, or in partnership with any others except as in the said act is excepted) were, by force and virtue of the said act, vested and settled in Sir John Eyles baronet, Sir Thomas Crosse baronet, John Rudge, Matthew Lant, Roger Hudson, esquires, now Sir Roger Hudson knight, Edmund Halsey, John Lade, Gabriel Roberts, and Richard Hopkins, esquires, now Sir Richard Hopkins knight, thereby nominated and appointed trustees for the uses and purposes in the said act expressed of and concerning the same, and the heirs, executors, administrators and assigns of the same trustees, from the respective times in the said act named, to the intent the same might be sold and disposed of, or otherwise applied to and for the uses and purposes in the said act expressed concerning the same, and that the clear monies arising thereby, should be appropriated to and for the use of the*

South-Sea company, in such manner as therein is expressed: and it is thereby further enacted, That the entries of such claims, as by the said act are directed, by or for any person or corporation in Great Britain, should or might be made at any time before the twenty-fifth day of December one thousand seven hundred and twenty one, and by or for any person or persons residing or being beyond the seas, or out of Great Britain, should and might be made at any time before the twenty fifth day of March one thousand seven hundred and twenty two: and by the said act it is further enacted, That the said trustees, or any three or more of them, should and might inquire and inform themselves, by or upon the testimony of witnesses upon oath, or by the examination of the persons making such claims upon oath (all which oaths they, or any one or more of them, had thereby power to administer) or by the inspection of any mortgages, bonds, bills, notes, or other securities, or any accounts relating to the said debts, or any of them so claimed, or by inspection of any grants, gifts, settlements, conveyances, transfers, or assurances relating to the said estates, interests, or incumbrances so claimed, or any of them, or by all or any of the said ways and means, or otherwise, according to their discretions, as soon as conveniently might be, touching all or any of the debts, estates, interests, or incumbrances so claimed, and should make a report or reports in writing of their proceedings therein, with their opinions thereon, from time to time, to the court of directors of the said South-Sea company for the time being; and if the said court of directors for the time being should be satisfied in the justice of such claim or claims, or that any debt or sum of money ought to be paid thereupon, or that the estate, interest, or incumbrance so claimed, or any part thereof, ought to be allowed, and should declare their satisfaction therein, by any resolution or resolutions of that court; and if the party or parties, by or for whom such claim should be made, should likewise, in a book or books to be kept in the said trustees publick office for that purpose, declare in writing under his, her or their hands, his, her or their acquiescence in such resolution or resolutions of the said court of directors for the time being, touching his, her or their debt, estate, interest, or incumbrance so claimed, at any time or times before the first day of August one thousand seven hundred and twenty two, then in all and every such case and cases the said trustees, or any three or more of them, should give warrant for the payment and discharge of every such debt or sum of money so liquidated or adjusted, out of such monies as should come to the hands of the cashier of the said South-Sea company for the time being, for the purposes in the said act expressed: and it was by the said act further enacted, That the justices of the courts of King's bench and common pleas, and barons of the coif of the exchequer for the time being, or any three or more of them, sitting at the same time and place, and not otherwise, should, and they were thereby authorized, from time to time, to hear and determine all differences, disputes and controversies touching or concerning any debts, estates, interests, or incumbrances, which should be claimed within the respective times therein before limited for making such claims, and could not or should not be liquidated or adjusted between the said court of directors for the time being,

being, and the respective claimants within the time before limited in that behalf, and all incidents relating thereunto, in such manner, as by the said act is directed: and by the said act it is further enacted, ^{7Geo. 1. stat. 2. c. 28.} That the said justices and barons, or any three or more of them, upon a complaint to be made by or for any claimant of any such debt, estate, interest, or incumbrance, whose claims should not be liquidated or adjusted as aforesaid, (so as such complaint be made on or before the twenty fifth day of December one thousand seven hundred and twenty two) should proceed in such manner as by the said act is directed; and the said justices and barons, or any three or more of them, in all cases where they should find that any debt or sum of money ought to be paid to such claimant upon such claims, or that the estate, interest, or incumbrance so claimed, or any part thereof ought to be allowed, should and might, at any time or times before the twenty fifth day of March one thousand seven hundred and twenty three, transmit a certificate or certificates thereof to the said trustees in the said act nominated: and by the said act it is provided and enacted, That the powers given by the said act to the said justices and barons, for hearing and determining such differences, disputes and controversies relating to such claims as aforesaid, and issuing their certificates concerning the same as aforesaid, should continue and be in force until the twenty fifth day of March one thousand seven hundred and twenty three and no longer. And whereas by another act of parliament made in the eighth year of his Majesty's reign, intituled, ^{8Geo. 1. c. 23.} An act for prolonging the times for hearing and determining claims before the trustees, in whom the estates of the late South-Sea directors, and of John Aislaby esquire, and likewise of James Craggs, esquire, deceased, are vested, and for other purposes therein mentioned; several of the times in the former acts limited, have been enlarged to several further times therein expressed: and whereas by another act of parliament made in the ninth year of his said Majesty's reign, intituled, ^{9Geo. 1. c. 23.} An act for further enlarging the times for entering, hearing and determining claims on the estates vested in the trustees of the South-Sea company, and for obliging persons to claim stock by the time therein mentioned, for money subscriptions, and for other the purposes therein mentioned, the times in the last mentioned act limited, have been enlarged to several further times therein expressed, which times by the last act limited, are now near expiring: now forasmuch as the claims made pursuant to the first, and also to the last recited act, cannot be adjusted and determined within the times already limited for the same; may it please your most excellent Majesty, that it may be enacted, &c.

The time for the directors of the South-Sea company to declare their satisfaction of the justice of any claims, further enlarged to 24 December 1726. and for the justices and barons to determine differences therein, enlarged to 24 June 1727. and for the justices and barons to transmit their certificates, to 29 September 1727. After 20 May 1724. the time for declaring an acquiescence to any resolution of the directors, and for making complaints for claimants, to be within 30 days after personal notice, or notice in the Gazette, of such resolution. Complaints not so made, void, and the justices, &c. discharged from proceeding thereon. If no acquiescence be declared, the party deemed to have acquiesced. Wives of persons

sons whose estates are vested in the trustees, having right of dower, the trustees may compound with them for such right, to be paid by the cashier. Trustees may make suitable allowances to such wives having right of dower. Justices and barons to settle differences. Purchasers to enjoy the estates purchased, free from all right of dower. Not to give any right of dower to wives, who by deed made before marriage have accepted any settlement in lieu thereof. Nor to give any claim to any estate purchased since 1 December 1719. The title of purchasers good, as well when the late directors, &c. shall not release their right, as when they have. No special bail required in actions or suits on contracts for stock or subscriptions, till 1 March 1724, &c. Trustees, &c. may compound with William Astell, for the benefit of his children, &c. Colonel Thomas Sidney and his wife may enter their claims of any debt due from Robert Knight, at any time before 24 June 1724. EXP.

CAP. XV.

An act for repairing the road leading from Dunchurch in the county of Warwick, to the bottom of Meriden-Hill in the same county.

The toll took place from 25 July 1724. and is to have continuance for 21 years. Continued by 13 Geo. 2. c. 22.

CAP. XVI.

An act for encouraging the Greenland fishery.

4 & 5 W. & M.
c. 17.

9 & 10 W. 3.
c. 45.

WHEREAS by an act of parliament made in the fourth and fifth years of the reign of their late Majesties King William and Queen Mary, for encouraging the Greenland fishery, a company was incorporated, exclusive of the rest of their then Majesties subjects, and by the said act it is enacted, That it should be lawful for the said company, and for all and every the ships and vessels belonging thereto, or employed by the said company, truly belonging to England, Wales, or town of Berwick upon Tweed, and whereof the masters should be Englishmen, and inhabiting within the places aforesaid, and for no other ship or vessel whatsoever, from and after the first day of May in the year of our Lord one thousand six hundred and ninety three, until the first day of October in the year of our Lord one thousand seven hundred and seven, employed for catching of whales in the Greenland seas, during such their voyages, to be navigated with one third of the mariners English at the least, and yet to pay no farther or other custom for the oil, blubber or fins, caught and imported in such ships or vessels, than if such ships or vessels had been navigated with three fourths of the mariners English: and whereas by an act of parliament made in the ninth and tenth years of the reign of his said late Majesty King William the Third, intituled, An act for taking away half the duties imposed on glass wares, and the whole duties lately laid on stone and earthen wares, and tobacco pipes, and for granting (in lieu thereof) new duties upon whale fins, and Scotch linen, it is amongst other things enacted, That from and after the tenth day of July one thousand six hundred and ninety eight, there should be answered and paid to his Majesty, his heirs and successors, for and upon all whale fins, that should be taken, caught and imported, in and by any ships or vessels whatsoever, of or belonging to the company established for the Greenland trade, the sum of three pence for every pound weight thereof, and after that rate for a greater or lesser quantity; and for all whale fins, which are or shall

be taken, caught or imported by foreigners, or by any ships or vessels not belonging to the said company, the sum of six pence for every pound weight thereof, and after that rate for a greater or lesser quantity: and whereas by an act made in the first year of her late Majesty Queen Anne of glorious memory, intituled, An act for enlarging and encouraging the Greenland trade, it is amongst other things enacted, That from and after the first day of May in the year of our Lord one thousand seven hundred and two, it should and might be lawful for any of her Majesty's subjects whatsoever, that would adventure to Greenland for fishing of whales, to have and enjoy all the privileges that were granted to the said company by the aforesaid act of parliament, and should not pay any further or other duty, than if they had been of the said Greenland company; and that no harpinner or other foreigners, that were permitted by the said act for carrying on the said fishery, should be impressed for her Majesty's service: and whereas by one other act of parliament made in the said first year of her said late Majesty Queen Anne, the said duty of three pence per pound on whale-fins caught as aforesaid, is continued, and since made payable to her said Majesty, her heirs and successors, for ever, for the purposes in the same act prescribed and directed, subject to such provisos and powers of redemption, as are in and by the said act contained and prescribed, of and concerning the same, as by the said several acts, relation being had to them respectively, more at large may appear: and whereas notwithstanding the great privileges granted by the several acts of parliament aforesaid, the fishing in the Greenland seas hath been entirely neglected by his Majesty's subjects, and is like to continue so, as long as the duty aforesaid is payable upon whale-fins taken and caught in the said seas, by ships belonging to his Majesty's subjects; and in regard that the permitting his Majesty's subjects to import oil, blubber and whale-fins taken and caught in the said seas, without paying any duties for the same for a competent time, may very much contribute to the regaining the said Greenland trade, and will encourage the navigation, and promote the consumption of the manufactures of this kingdom: wherefore may it please your Majesty, that it may be enacted, &c.

1 Ann. stat. 1.
c. 16.

1 Ann. c. 21.
sect. 1.

See 5 Geo. 2.
c. 28.
6 Geo. 2. c. 33.

After 25 December 1714. British subjects may import whale-fins, oil and blubber, custom free, for seven years. Master to swear that the whale-fins, &c. were caught in Greenland seas by the crew of the ship, and navigated according to law. By 12 Geo. 1. c. 26. sect. 7. The benefit of this act is extended to Davis's Straights. EXP.

CAP. XVII.

An act for continuing acts for preventing theft and rapine upon the Northern borders of England; and for better regulating of pilots; and for regulating the price and affize of bread; and for better encouragement of the making of sail-cloth in Great Britain.

WHEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by

- The act 13 & 14 Car. 2. c. 22. continued for 11 years. 12 Ann. stat. 1. c. 10. 24 Geo. 2. c. 57.
- and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirteenth and fourteenth years of the reign of the late King *Charles* the Second, intituled, *An act for preventing theft and rapine upon the Northern borders of England*, which by an act made in the twelfth year of the reign of her late Majesty *Queen Anne*, intituled, *An act for continuing the acts therein mentioned, for preventing theft and rapine upon the Northern borders of England*, was continued, and is now near expiring, shall be, and is hereby further continued, and shall be in force, from the expiration thereof, for eleven years.
- Act 3 Geo. 1. c. 13. for regulating pilots, continued for 11 years, &c.
- 7 Geo. 1. stat. 1. c. 21. 23 Geo. 2. c. 26.
- II. And be it further enacted by the authority aforesaid, That an act made in the third year of his Majesty's reign, intituled, *An act for the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and the Isle of Thanet, upon the rivers of Thames and Medway*, together with a clause for further regulating the pilots of *Dover, Deal*, and the isle of *Thanet*, contained in an act passed in the seventh year of his Majesty's reign, intituled, *An act for the further preventing his Majesty's subjects from trading to the East-Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto, and further regulating the pilots of Dover, Deal, and the Isle of Thanet*, which is near expired, shall be further continued, from the time of the expiration thereof, for the space of eleven years, and from thence to the end of the then next session of parliament.
- Act 8 Ann. c. 18. to regulate the price of bread, continued for seven years, &c. 1 Geo. 1. stat. 2. c. 26.
- 5 Geo. 1. c. 25, 22 Geo. 2. c. 46.
- III. And be it further enacted by the authority aforesaid, That an act passed in the eighth year of the reign of her late Majesty *Queen Anne*, intituled, *An act to regulate the price and assize of bread*, together with such alterations, as were made in and by an act passed in the first year of his present Majesty's reign, intituled, *An act for continuing several laws therein mentioned relating to coals, hemp and flax, Irish and Scotch linen, and the assize of bread; and for giving power to adjourn the quarter-sessions for the county of Anglesea, for the purposes therein mentioned*, which by an act made in the fifth year of his present Majesty's reign, intituled, *An act for continuing an act made in the eighth year of the reign of the late Queen Anne, to regulate the price and assize of bread; and for continuing the act of the twelfth year of her said late Majesty's reign, for the better encouragement of the making of sail-cloth in Great Britain*, was continued, and is now near expiring, shall be further continued, from the expiration thereof for seven years, and from thence to the end of the then next session of parliament.
- Act 12 Ann. stat. 1. c. 16.
- For encouraging of sail-cloth, continued for seven years, &c. 20 Geo. 2. c. 45.
- IV. And be it further enacted by the authority aforesaid, That the said act made in the twelfth year of her said late Majesty's reign, for the better encouragement of the making of sail-cloth in *Great Britain*, which by the said last recited act of the fifth year of his present Majesty's reign, was continued for the term of seven years, and from thence to the end of the next session

sion of parliament, be further continued, and shall remain in full force for the term of seven years, and from thence to the end of the then next session of parliament.

C A P. XVIII.

An act to explain and amend an act passed in the sixth year of his Majesty's reign, intituled, An act for ascertaining the breadths, and for preventing frauds and abuses in manufacturing serges, pladdings and fingrums, and for regulating the manufactures of stockings, in that part of Great Britain called Scotland, so far as the same relates to serges.

WHEREAS an act passed in the sixth year of his present Majesty's reign, intituled, An act for ascertaining the breadths, and preventing frauds and abuses in manufacturing serges, pladdings and fingrums, and for regulating the manufactures of stockings, in that part of Great Britain called Scotland: and whereas notwithstanding the provision made by the said act, many disputes have arisen thereupon, and many frauds and abuses have since been committed by persons employed in working and making of serges, and in selling and disposing of the same, to the great prejudice of trade and commerce: for preventing whereof, and the better regulating the manufactures of serges for the future; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and twenty four, every piece of rock serge made in Scotland, and white out of the loom, shall be of the breadth and length herein after mentioned; that is to say, thirty inches in breadth at least within the list or selvage, and sixty three yards in length; and that every half-piece of such serge shall be proportionable in length to a whole piece as aforesaid; and that all such pieces and half-pieces of serge shall be taken up in folds, or a soft roll, and shall not be stretched by hard rolling; and no white broomed or tarted wool shall be wrought or mixed together, but that each piece shall be wrought up of one and the same sort, without any other kind of mixture whatsoever; and that the same shall be equally worked, and of the same fineness from one end of the piece to the other: and that every piece of rock and wheel serge shall be made of equal goodness and strength, and shall be of the breadths and lengths following; that is say, a Scotch ell in breadth at least, and forty two Scotch ells in length; and that every piece of serge, commonly called the strapping or narrow sort, shall be three quarters of a Scotch ell in breadth, and forty two Scotchs ell in length; and that every half-piece of each sort of the last mentioned serges shall be proportionable in length to a whole piece, and none of the serges before mentioned shall be made or wrought of unscoured yarn.

6 Geo. 1. c. 13.

After 24 June 1724. the breadths and lengths, and fineness of rock serge made in Scotland, ascertained.

Rock and wheel serge :

Strapping or narrow sort.

The magistrates of headboroughs to make a stamp, and appoint a stamp-master.

Refusing to execute that office forfeits 5 l. sterling.

The justices in their counties to appoint a stamp.

No stamp-master to traffick in serges, or stamp them, not of the proper lengths, breadths, and qualities. Penalty.

II. And be it further enacted by the authority aforesaid, That the magistrates of the chief or head boroughs royal of every shire, county or stewartry in *Scotland* respectively (who are hereby declared to be sole judges within their respective bounds and jurisdictions, of all pains and penalties herein after mentioned) shall be and are hereby impowered, from time to time, to make or cause to be made, a stamp or stamps bearing the arms of the respective boroughs, and shall appoint one or more fit person or persons to inspect and stamp all such serges as are before mentioned, as shall be brought to be stamped, of the lengths, breadths and qualities as aforesaid, which person or persons so nominated and appointed, shall before he or they shall be admitted into the office of stamp-master, be obliged, and he and they are hereby required, to take an oath *de fideli*, and shall likewise give such security for his faithful and due execution of the said office, in such manner, and in such a penalty, as the said magistrates shall direct and appoint.

III. Provided and be it enacted, That in case the person or persons, as shall be so appointed stamp-master or stamp-masters, shall without any lawful excuse to be allowed by two or more justices of the peace of the respective counties, or the major part of the town council of the respective boroughs, neglect or refuse to act and execute the said office, such person and persons shall respectively forfeit and pay such fine or fines for so neglecting or refusing to act and execute the said office, as the said justices, or any two or more of them, or the major part of the town council of the respective boroughs, shall set upon him or them, not exceeding the sum of five pounds sterling for every such neglect or refusal.

IV. And be it further enacted by the authority aforesaid, That the justices of the peace shall, in their respective counties and stewartries, or in case they shall make default, the commissioners of supply shall be and are hereby impowered and required, from time to time, at their quarterly sessions to be holden by the said justices, or annual meetings of the said commissioners in *Scotland*, to appoint a stamp or stamps to be made and kept for the purposes aforesaid, at some proper place where such serges are sold, within the respective counties, as the said justices of the peace, or commissioners of supply, shall think proper.

V. And be it further enacted, That no stamp-master so appointed as aforesaid shall for himself, or by any other person or persons, trade, traffick, buy, sell, dispose of, or stamp, any such serges, which are not made of well sorted yarn, equally wrought, and of equal fineness from one end of the piece to the other, and of such breadths, lengths, and qualities as aforesaid, he or they so neglecting or offending therein, shall forfeit and pay for every piece of such serge the sum of twenty shillings sterling, and shall be made incapable of serving in such office for the future; and if any person or persons shall, after the said twenty fourth day of *June* one thousand seven hundred and twenty four, affix any stamps, without the authority aforesaid,

or

or shall counterfeit the same, such person or persons so offending shall respectively forfeit the sum of five pounds sterling, or suffer six months imprisonment, if found insolvent.

VI. And be it further enacted by the authority aforesaid, That all weavers, and such other person or persons, as shall work and make serges for sale as aforesaid, shall and they are hereby required to carry, or cause the same to be carried to the stamp-office, there to be inspected and sealed by the stamp or seal-master, to whom they shall pay the sum of one shilling of Scotch money for sealing or stamping of each piece, and no more, and half-part thereof for any half-piece; and if any person or persons whatsoever shall sell and deliver, buy and receive, transport or export, or expose to sale, any such serges, without having a stamp so affixed thereto, shall forfeit and pay the sum of twenty shillings sterling; and the goods so found without the stamp so affixed, shall also be confiscated, the one moiety shall go and be to the informer, and the other moiety to the use of the stamp-office, to be disposed of as the magistrates shall direct and appoint.

Weavers to carry their serges to the stamp-office to be sealed.

The price of sealing.

Serges not sealed, and so &c.

VII. And be it further enacted by the authority aforesaid, That if any weaver or weavers, or other person or persons whatsoever, shall make, work, or cause to be made or wrought any of the serges before mentioned, not conformable, or contrary to the regulations and restrictions aforesaid, and shall offer the same to be sealed, the owners of such serges so offered to be sealed, shall respectively forfeit and pay the sum of twenty shillings sterling, and the said serges so offered to be sealed, shall be confiscated, and shall be disposed of in such manner, and to such uses, as the said justices, or any two or more of them, or the said magistrates shall order and direct; and such weavers or manufacturers, as shall make such serges, or cause the same to be made, shall also pay the value of such serges so made, to the owners thereof respectively, besides the sum of twenty shillings sterling directed to be paid as a fine as aforesaid.

Penalties on weavers working serges not conformable to these regulations.

VIII. And be it further enacted by the authority aforesaid, That the deans of gilds of the several head boroughs of the respective counties shall, and they are hereby appointed to be the sole judges within the respective boroughs; and the said dean of gild, with the heretors or proprietors of all and every publick fair or market, or any having their authority, are hereby declared jointly judges of the offences committed against this present act; and in default of the said dean of gild, or of the said master of the fair and market, or their deputies, that either of the said judges shall be sole judges of such offence committed in such places, villages, fairs and markets, where the said serges shall be vended or exposed to sale as aforesaid, to and for all and every the intents and purposes hereby specified and contained touching the same.

Deans of gilds sole judges in their boroughs. And they and the proprietors of fairs jointly judges.

IX. And be it further enacted by the authority aforesaid, That all weavers, and other workers and makers of such serges as aforesaid, for sale, who shall neglect to work or make the said serges

Weavers not working according to these regulations.

ions, or not bringing the serges to the stamp-office, or not paying the penalty, the fine may be levied by distress, or imprisonment for three months.

serges according to the regulations aforesaid, or shall neglect or refuse to bring the same to the stamp-office to be sealed, as is hereby directed, and shall be thereof convicted by the oaths of two or more credible witnesses, or by the oath of the person prosecuted, as the judge or judges shall see cause, and so shall be convicted of any of the offences aforesaid, or refuse or neglect to pay any penalties and forfeitures by him incurred, by reason or means of this present act, then it shall and may be lawful to and for the judge or judges respectively, before whom such conviction shall be made, (and such judge or judges are hereby required) to issue out one or more warrant or warrants, under his or their hands and seals, to the respective officer or officers, or to the constable of the town or place where such offender doth inhabit, or can be found, within the limits of their respective jurisdictions, to levy the same by distress and sale of the offender's goods, returning the overplus (if any be) to the offender, and in case no such distress can be found, it shall and may be lawful to and for such judge or judges to commit the offender to the house of correction, or gaol of the county or corporation, there to detain and keep such offender or offenders for and during such time, as the judge or judges before whom such conviction shall be made) shall direct and appoint, not exceeding the space of three months for any one offence.

Merchants altering the number of ells marked on each piece, forfeit 5 l. for each piece.

X. And be it further enacted by the authority aforesaid, That if any merchant, or other person whatsoever, in any county or royal borough within that part of *Great Britain* called *Scotland*, shall before or at the time of transporting any serges, pladdings, or singrums, whether to foreign ports or coastwise, cancel or alter the number of ells marked upon each piece, according to the settled use and practice concerning the same, every such offender, for each piece of serge, pladding or singrum, whereof the mark shall be so cancelled or altered, shall forfeit the sum of five pounds sterling, one moiety to the informer, the other moiety to his Majesty, his heirs or successors, to be recovered in the same manner, as the other penalties inflicted by this act, or by the said recited act of the sixth year of his Majesty's reign, are to be recovered, or shall suffer three months imprisonment for every such offence, if insolvent.

Fingrums made in Aberdeen, Bamf, &c. excepted.

XI. Provided always, That nothing in this act contained shall be construed to make any alteration in the lengths or breadths of the serges, commonly called singrum and singrum-wheeling serges, manufactured in the shires of *Aberdeen*, *Bamf* or *Murray*, but that the same shall remain as they are settled by former laws and acts of parliament; any thing in this present act contained to the contrary notwithstanding.

Prosecution to be within 60 days after offence committed.

XII. Provided always, and be it enacted, That the penalties and forfeitures incurred or inflicted for any offence against this act, shall be sued for and prosecuted within sixty days after the offences shall be committed or discovered, and not afterwards; any thing herein contained to the contrary notwithstanding.

C A P. XIX.

An act for explaining the law concerning the trial and admission of the ordinary lords of session.

WHEREAS the nomination and appointment of the lords of the court of session in Scotland, is an inherent prerogative of the crown, and his Majesty is most desirous that none should be lords of session, but persons of known probity and understanding in the laws, and such as are duly qualified according to the several statutes for that purpose made; therefore, for the attaining of these good ends, and for the more plain and easy execution of the laws in this behalf already made, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That when any ordinary place shall be vacant in the said court of session, the King's majesty, his heirs and successors, shall nominate and appoint thereto a person qualified according to an act made in Scotland in the sixth parliament of King James the Sixth, intituled, *Anent the admission of the ordinary lords of the session, and reformation of certain abuses therein*; and according to another act made in Scotland in the twelfth parliament of King James the Sixth, intituled, *Anent the jurisdiction, presentation, qualities and age of the lords of session*; and according to the articles of union of the two kingdoms of England and Scotland; and the qualifications of such person so nominated and appointed, may be examined, and shall be tried by the ordinary lords of the court of session only; and if the person so nominated shall on such examination be found duly qualified according to the act and articles aforesaid, then they shall forthwith admit and receive him to such ordinary place; but if on such examination the said ordinary lords of session shall be of opinion, that there is just ground to object to the qualifications of the person nominated as aforesaid, in every such case the said lords of session are hereby required with all convenient speed, to transmit and certify the whole matter to his Majesty, his heirs and successors, in order that the royal pleasure may be finally had thereupon; and if his Majesty, his heirs and successors shall afterwards signify under the sign manual the royal will and pleasure, that the person so nominated shall be admitted and received into the said place, in such case the lords of session are hereby required forthwith to admit and receive him accordingly: but if his Majesty, his heirs and successors, after such examination as aforesaid, shall see cause sufficient not to admit the person so nominated, it shall and may be lawful for his Majesty, his heirs and successors, from time to time, to nominate some other person in manner aforesaid, still subject to such examination and final determination concerning the same, as is herein before enacted and declared.

When an ordinary place shall be vacant in the court of session, the King is to nominate a person qualified.

The qualifications to be examined by the ordinary lords only.

If they object to the qualifications, they are to transmit the matter to the King.

If the King signify that the person shall be received, the lords shall admit him.

But if the King see cause not to admit him, he is to nominate another.

II. And be it further enacted by the authority aforesaid, That whenever the places of the four present extraordinary lords of session,

When the four present extraordinary lords

of session shall become vacant, no presentation shall be made by the King to supply such vacancy.

session, or the place or places of any one or more of them, at any time or times hereafter shall become vacant, no presentation or nomination of any person or persons whatsoever shall be made by his Majesty, his heirs or successors, to supply such vacancy or vacancies: and if any such presentation or nomination shall at any time hereafter happen to be made, the same is hereby declared to be null and void; any thing to the contrary thereof contained in an act made in the fifth parliament of King James the Fifth, concerning the authority of the chancellor and lords, or any other law or statute to the contrary thereof in any wise notwithstanding.

C A P. XX.

An act for the better viewing, searching and examining of all drugs, medicines, waters, oils, compositions, used or to be used for medicines in all places where the same shall be exposed to sale, or kept for that purpose, within the city of London and suburbs thereof, or within seven miles circuit of the said city.

Reciting the patent of H. 8. to the college of physicians.

WHEREAS King Henry the Eighth, by his letters patent under the great seal, bearing date at Westminster the twenty third day of September in the tenth year of his reign, for the common wealth of this realm, in due exercising and practising of the faculty of physick, and good ministration of medicines to be had, did erect, found and establish a college, commonalty or incorporation of physicians in the city of London, to be, remain and have existence for ever; and by the same letters patent did further give and grant unto John Chambre, Thomas Linacre, Ferdinando de Victoria, Nicholas Halsewel, John Francis and Robert Yaxley, then learned, discreet and profound practisers in the faculty of physick in the said city of London, that they and all of the said faculty of physick of and in the said city, should for ever thenceforth be in name and deed one body, and perpetual commonalty or college; and further by the same letters patent did give and grant unto the said college and commonalty full power, ability and authority for ever, annually to elect and make one of the said college or commonalty to be president of the said college or commonalty, for the taking care and governing thereof for that year; and that the same president, college or commonalty should have perpetual succession, and a common seal for the service of the said president and commonalty for ever; and by the same letters patent did also further give and grant unto the said president, college and commonalty, and their successors, that they the said president, college or commonalty, and their successors, might lawfully, and without danger, make among themselves lawful assemblies, and statutes, and ordinances, for the good government, overseeing and correcting of the said college or commonalty, and of all men exercising the same faculty in the said city, or within seven miles circuit thereof, as necessity should require, when and as often as there should be occasion; and that none should exercise the said faculty in the said city, or within seven miles circuit thereof, unless licensed thereunto by the said president and

commonalty, or their successors for the time being, by the letters of the same president and college, sealed with their common seal, under the penalty of one hundred shillings for every month in which he should exercise the said faculty, without being so licensed, half thereof to be applied to his said Majesty and his heirs, and half to the said president and college; and by the same letters patent did further grant, That four persons should every year be chosen by the said president and college for the time being, and their successors for ever, who should have the supervising and searching, correcting and governing of all and every the physicians of the said city using the faculty of physick in the same city, and other foreign physicians whomsoever, in any manner using and practising that faculty of physick within the said city and the suburbs thereof, or within seven miles circuit of the same city, and the punishing of them for their offences in not well executing; practising or using that faculty; and also the supervising and searching of all manner of medicines, and the receipts thereof, to be given, administered and applied by the said physicians, or any of them, to the said King's subjects, for the curing and healing of their infirmities, when and as often as there should be occasion, for the benefit and advantage of the said subjects, so that the punishment of such physicians, using the said faculty of physick, so offending in the premises, might be executed by fines, amerciaments, imprisonments of their bodies, and by other fit and reasonable ways: and whereas in the parliament held at London the fifteenth day of April in the fourteenth year of the reign of the said King Henry the Eighth, and from thence adjourn-^{14 H. 8. c. 5.} ed to Westminster the last day of July in the fifteenth year of the reign of the same King, and there held, reciting, That forasmuch as the making the said corporation was meritorious, and very good for the commonwealth of the realm, it was enacted, That the said corporation of the said commonalty and fellowship of the faculty of physick aforesaid, and all and every grant, articles and other thing contained and specified in the said letters patent, should be approved, granted, ratified and confirmed in the same parliament, and clearly authorized and admitted by the same good, lawful and available to the said body politick, and their successors for ever, in as ample and large manner as may be taken, thought and construed by the same: and whereas by one other act of parliament made in the thirty second year of the reign^{Recital of act} of the said King Henry the Eighth, intituled, For physicians and^{32 H. 8. c. 40.} their privileges, it is amongst other things enacted, ordained and established for the common wealth and surety of the subjects of this realm, That the president for the time being, commons and fellows of the said corporation, and their successors, might yearly, at such time as they should think most meet and convenient for the same, elect and choose four persons of the said commons and fellows of the best learned, wisest and most discreet, such as they should think convenient, and have experience in the said faculty of physick; and that the said four persons so elected and chosen, after a corporal oath to them ministred by the said president, or his deputy, should and might, by virtue of that act, have full authority and power, as often as they should think meet and convenient, to enter into the house or houses of all and every apothecary then, or at any time then after, using the mystery or craft

Recital of act
1 Mary, sess. 2.
c. 9.

32 H. 8. c. 40.

craft of apothecary within the said city, only to search, view and see such apothecary wares, drugs and stuff, as the apothecaries or any of them had, or at any time then after should have in their house or houses, and all such wares, drugs and stuffs as the said four persons should then find defective, corrupted and not meet nor convenient to be ministred in any medicines for the health of man's body, the same four persons, calling to them the wardens of the said mystery of apothecaries within the said city for the time being, or one of them, should cause to be burnt or otherwise destroy the same, as they should think meet by their discretion; and if the said apothecaries or any of them, at any time then after should obstinately or willingly refuse or deny the said four persons yearly elected and chosen, as is aforesaid, to enter into their said house or houses for the causes, intent and purpose before rehearsed; that they and every of them so offending, contrary to the said last recited act, for every time that he or they should so offend, to forfeit one hundred shillings; the one half to his Majesty, and the other half to him that should sue for the same, by action of debt, bill, plaint or information, in any of the King's courts, wherein no wager of law, essoin or protection should be allowed: and whereas by one other act made in the first year of the reign of Queen Mary, intituled, An act touching the corporation of the physicians in London, it is amongst other things enacted, for the better execution of the search and view of poticary wares, drugs and compositions, according to the tenour of the said statute, made in the thirty second year of the reign of the said King Henry the Eighth, That it should be lawful for the wardens of the grocers, or one of them, to go with the said physicians in their view and search, and that if the said warden or wardens should refuse or delay his or their coming thereunto forthwith and immediately, when the said president, or four of his college elect as aforesaid, should call upon him or them, that then the said physicians might and should execute that search and view, and the due punishment of the poticaries for any of their evil and faulty stuff, according to the statute therein last before mentioned, without the assistance of any of the said wardens; any clause in the said therein aforesaid statute to the contrary thereof notwithstanding: and every such person or persons, as would or should resist such search, should forfeit for every such resistance ten pounds, the same penalty to be recovered in the manner in the same act mentioned: and it is thereby further enacted, That all justices, mayors, sheriffs, bailiffs, constables and other ministers and officers within the city and precincts above written, upon request to them made, should help, aid and assist the president of the said college, and all persons by them, from time to time, authorized for the due execution of the said acts or statutes, upon pain for not giving of such aid, help and assistance, to run in contempt of the Queen's majesty, her heirs and successors, as by the said several recited statutes may appear.

II. And whereas it has been found by experience, That the said several recited statutes, and the powers thereby given to the said college of physicians, and such four persons chosen by them as aforesaid, have been very beneficial to the subjects of this realm; but nevertheless divers other apothecaries, dwelling in the suburbs of the said city, and

and in places in the country within seven miles circuit of the same city, and also divers other persons, as well as apothecaries, inhabiting within the said city of London, or seven miles circuit of the same city, do sell drugs, oils, waters and compositions used or to be used for medicines, which ought to be viewed, searched and examined, as well as those prepared and sold by the apothecaries, and the want of sufficient powers for that purpose may be very detrimental to the health of his Majesty's subjects: for remedying whereof, be it enacted, &c. E X P.

The censors of the college, calling to their assistance the wardens of the apothecaries, may in the day-time enter into any apothecaries, &c. shop within seven miles of London, to examine the medicines, and may destroy all drugs, &c. not meet to be used in medicine. If the said wardens refuse to go with the censors, then they may execute their power without them. If the censors adjudge any medicines to be defective, and any person appeal to the president and fellows, the censors are to cause the drugs, &c. and their reasons for condemning them, to be put into a box, and carried to the college. An assembly of the president and fellows to be summoned within 14 days, who are to examine the drugs, &c. and finally determine. If the censors judgment be confirmed, the drugs, &c. to be burnt before the owner's door. If the assembly do not confirm the censors judgment, the drugs to be returned to the place where they were found. Resisting search forfeits 10l. General issue. Not to extend to medicines made by virtue of any letters patent. Persons censured by the censors, may appeal to the president and fellows, whose judgment shall be final. Continuation for 3 years, &c.

Anno Regni GEORGII I. Regis Magnæ Britanniae, Franciæ & Hiberniæ, undecimo.

AT the parliament begun and bolden at Westminster, the ninth day of October, Anno Domini one thousand seven hundred and twenty two, in the ninth year of the reign of our sovereign lord GEORGE, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the twelfth day of November one thousand seven hundred and twenty four; being the third session of this present parliament.

CAP. I.

An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred twenty five. E X P. 25. in the Pound.

For the application of the surplus arising from this act, see 11 Geo. 1. c. 2. sect. 16.

CAP. II.

An act for indemnifying the masters in chancery, upon their discovering what consideration, price, or gratuity they paid or agreed to pay for the purchase of, or for their admission to their respective offices.

5 & 6 Ed. 6.
c. 16.

WHEREAS there is good ground and reason to believe, that great sums of money have of late years been paid for the purchase of the offices of the masters of the court of chancery; and whereas it may be difficult to obtain proper evidence of the buying and selling of the said offices, by reason of the act of parliament, made in the fifth and sixth years of the reign of King Edward the Sixth, against the buying and selling of offices, whereby the sale of any of the offices therein mentioned is made and enacted to be a forfeiture of such office, and the buyer thereof is disabled to have, occupy, or enjoy the same: to the end therefore that it may be discovered, whether any, and which of the present masters of the court of chancery hath or have obtained his or their said office or offices by purchase, fee, money, or other gratuity, and of whom, and for what sum or sums of money respectively; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That such of the present masters of the court of chancery, as shall fully and truly discover and disclose, upon his or their being examined or interrogated for that purpose, before either of the houses of parliament; or committee of either house; or the high court of chancery, courts of King's bench, common pleas, or exchequer respectively, That he or they was or were admitted, or that he or they came into his or their said office or offices by purchase, or for the consideration of any sum of money, or gratuity, or upon any promise or agreement to give or allow any sum or sums of money, or other gratuity whatsoever, and shall likewise fully and truly discover and disclose the name or names of the person or persons, of whom he or they so bought his or their said office or offices, or with whom he made such promise or agreement, and the sum or sums of money, or other gratuity by him or them paid or promised or agreed to be paid or allowed to such person or persons respectively, as and for the purchase of the same office or offices, or for his or their admission thereinto, shall be, and is and are hereby pardoned, indemnified, and discharged of and from all manner of forfeiture of the said office or offices, or other punishment for or by reason of his or their purchase of the same, or for giving, or promising, or agreeing to give or allow any sum of money or other gratuity for the same, or for being admitted thereinto; and shall be, and is and are hereby respectively enabled and made capable to have, hold, occupy, and enjoy his or their said office or offices, and shall and may have, hold, occupy and enjoy the same, notwithstanding such said forfeiture, in the same man-

manner, to all intents and purposes, as he or they could or might have had, held, occupied, and enjoyed the same office or offices, in case he or they had not bought, or promised, or agreed to pay, give or allow any sum of money, or other gratuity for the same, or in case the said act of parliament of the fifth and sixth years of the reign of King Edward the Sixth, against the buying and selling of offices, had never been made: the said act of parliament, or any thing therein contained, or any other law or statute to the contrary thereof in any wise notwithstanding.

CAP. III.

An act to enable the pier-wardens of the town of Margat, in the county of Kent, more effectually to recover the ancient and accustomed droits, for the support and maintenance of the said pier.

WHEREAS the ancient town of Margat, in the county of Kent, hath time out of mind had a pier and harbour, very commodious and of great benefit and advantage to the trade and navigation of this kingdom, in the preservation of ships and mariners in storms and stress of weather, and from enemies in times of war; and also very convenient for the exporting and importing many sorts of commodities: and whereas (the safety of the said town of Margat and of all the neighbouring country depending upon the preservation of the said pier and harbour) there hath, for and towards the maintenance and preservation thereof, been, time immemorial, paid to the pier-wardens, or their deputies for the time being, certain droits, commonly called poundage and lastage, and other rates or duties (which have been confirmed by the orders and decrees of the lords wardens of the cinque ports) and without the due payment thereof the said pier and harbour must inevitably fall to decay, to the utter ruin of the inhabitants of the said town and of all the neighbouring country, and to the great prejudice of the trade and navigation of this kingdom. And whereas it is necessary to make more effectual provision, as well for recovery of the said droits and rates or duties aforesaid, and for enforcing due payment thereof, in case of refusal or non-payment, as also for better securing the said pier and harbour: may it therefore please your most excellent Majesty, that it may be enacted, &c.

The ancient droits for maintenance of Margat pier continued. Pier-wardens to chuse collectors. Pier-wardens yearly to audit collectors accounts. Warden of the cinque ports, &c. may be present at the audit. Pier-wardens, &c. guilty of embezzlement, may be complained of in the admiralty of the cinque ports. The judge of that court may examine the matter of the complaint, and award treble the sum embezzled, &c. Pier-wardens, &c. may enter into any vessel to demand the duty. Pier-wardens may summon masters of ships to be examined. Penalty on masters not appearing, &c. 10l. The money collected to be laid out for support of Margat pier. Pier-wardens to prevent annoyances in the harbour.

C A P. IV.

An act for preventing the inconveniencies arising for want of elections of mayors or other chief magistrates of boroughs or corporations being made upon the days appointed by charter or usage for that purpose, and directing in what manner such elections shall be afterwards made.

WHEREAS in many cities, boroughs and towns corporate within that part of Great Britain called England, Wales and Berwick upon Tweed, the election of the mayor, bailiff or bailiffs, or other chief officer or officers, is by charter or ancient usage confined to a particular day or time, without any provision how to act or proceed, in case no election be then made; and it frequently happens, that by such charter or usage particular acts are required to be done at certain times, in order to and for the completing of such elections, and by the contrivance or default of the person or persons who ought to hold the court, or preside in the assembly where such elections are to be made, or such acts to be done, or by accident, it hath sometimes happened, and may frequently do so, if not timely prevented, That no courts or assemblies have been held, or elections made, or such acts done within the time fixed for that purpose; in which cases, if elections of such officers could not afterwards be made or completed, or in consequence of such omission the corporation should be dissolved, great mischiefs might ensue: for remedy and prevention whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority

Where election for mayors or other chief officers shall not be made on the days appointed by charter or usage,

Corporation not dissolved or disabled from electing,

But may meet together at the town-hall, &c. on the day after,

within that part of Great Britain called England, Wales and Berwick upon Tweed, no election shall be made of the mayor, bailiff or bailiffs, or other chief officer or officers of such city, borough or town corporate, upon the day or within the time appointed by charter or usage for such election, or such election being made, shall afterwards become void, whether such omission or avoidance shall happen through the default of the officer or officers who ought to hold the court, or preside where such election is to be made, or by any accident or other means whatsoever, the corporation shall not thereby be deemed or taken to be dissolved or disabled from electing such officer or officers for the future: but in any case where no election shall be made as aforesaid, it shall and may be lawful for the members or persons of such city, borough or corporation, who have right to vote, or be present at, or to do any other act necessary to be done, in order to or for the completing of such election, and they, or such of them as shall not be hindred by any reasonable impediment or excuse, are hereby required respectively to meet or assemble together in the town-hall or other usual place of meeting for making such election, within such city, borough or town corporate, upon the day next after the expiration of the time within which such election ought to have been made, unless such day shall happen to be *Sunday*, and then upon the *Monday* following, between the hours of ten in the morning

ing and two in the afternoon of the same day; and that the members or persons having right to vote at, or to do any other act necessary to be done in order to such election, or such of them as shall be so assembled or met together, shall forthwith proceed to the election of a mayor, bailiff or bailiffs, or other chief officer or officers for such city, borough or corporation, and to do every act necessary to be done in order to or for the completing of such election, in such manner as was usual in, or in order to the election of such officer or officers, upon the day or within the time appointed by charter or usage for such election; and in case upon such day of meeting hereby appointed for such election the mayor, bailiff or bailiffs, or other proper officer or officers, who ought to have held the court, or presided at the assembly for such election, or doing any other act necessary to be done in order to such election, if the same had been made or done on the day fixed, or within the time limited by charter or usage for that purpose, shall be absent, then such other person having a right to vote, being the nearest then present in place or office to the person or persons so absenting himself or themselves, shall hold the court or preside in the meeting or assembly hereby appointed, and shall have the same power and authority in all respects therein, as belongs to the mayor, bailiff or bailiffs, or other chief officer or officers of the same city, borough or town corporate, at any court or assembly for the election of officers for such place, or for doing any other act necessary to be done in order to such election.

Mayor, &c. absenting, the nearest in place may hold the court.

II. And it is hereby further enacted by the authority aforesaid, That if it shall happen that in any city, borough or town corporate within that part of *Great Britain* called *England*, *Wales* and *Berwick upon Tweed*, no election shall be made of the mayor, bailiff or bailiffs, or other chief officer or officers of such city, borough or town corporate, upon the day or within the time appointed by charter or usage for that purpose, and that no election of such officer or officers shall be made, pursuant to the directions herein before prescribed, or such election being made, shall afterwards become void as aforesaid, in every such case it shall and may be lawful for his Majesty's court of King's bench, upon motion to be made in the said court, to award a writ or writs of *Mandamus*, requiring the members or persons of such city, borough or town corporate, having a right to vote at, or to do any other act necessary to be done in order to such election respectively, to assemble themselves upon a day and at a time to be prefixed in such writ or writs, and to proceed to the election of a mayor, bailiff or bailiffs, or other chief officer or officers, as the case shall require, and to do every act necessary to be done in order to such election, or to signify to the said court good cause to the contrary, and thereupon to cause such proceedings to be had and made, as in any other cases of writs of *Mandamus* granted by the said court for election of officers of corporations, and of the day and time appointed in and by any such writ or writs of *Mandamus* for holding such assembly, public notice in writing shall, by such person as the said court shall

If no election be made, or the election become void, King's bench may award a *Mandamus* for electing.

Six days public notice to be given of the ap- election.

appoint, be affixed in the market-place, or some other publick place within such city, borough or town corporate, by the space of six days before the day so appointed, and such officer or other person respectively shall preside in such assembly, as ought to have presided at the election of such mayor, bailiff or bailiffs, or other chief officer or officers, or at the doing any other act necessary to be done in order to such election, in case the same had been made or done upon the day herein before prescribed for that purpose.

Where mayors, &c. are to be nominated or sworn at a court-leet, &c. and in default of the lord or steward no court be held,

King's bench may award a Mandamus for holding the court-leet.

III. *And whereas in certain boroughs and towns corporate within that part of Great Britain called England, Wales and Berwick upon Tweed, the mayor, bailiff or bailiffs, or other chief officer or officers, is or are to be nominated, elected or sworn at a court-leet or view of frank-pledge, or some other court, and by reason of the contrivance or default of the lord or his steward, or such other officer by or before whom such court ought to be held, in not holding the same, or by some accident, it hath happened and may hereafter happen, that no due nomination, election or swearing of such mayor, bailiff or bailiffs, or other chief officer or officers, hath been or shall be had or made:* be it further enacted by the authority aforesaid, That in every such case it shall and may be lawful to and for his Majesty's court of King's bench, upon motion to be made in the said court, to award a writ of *Mandamus*, requiring the lord or his steward or other officer, by or before whom such court ought to be held, to hold or cause to be holden such court-leet or other court, and to do every other act necessary to be done by him in order to such nomination, election or swearing, at such day and time as shall be for that purpose judged proper by the said court of King's bench, and shall be appointed in such writ, or to signify to the said court good cause to the contrary, and thereupon to cause such proceedings to be had and made, as in other cases of writs of *Mandamus* granted by the said court, for holding of any court, and of the day and time appointed in and by any such writ of *Mandamus* for holding such court, publick notice in writing shall, by such person as the said court of King's bench shall appoint, be affixed in the market-place, or some other publick place within such borough or town corporate, by the space of six days before the day so appointed: and where a nomination of persons in order to the election of any such mayor, bailiff or bailiffs, or other chief officer or officers, is to be made at such court-leet or other court, in every such case, after such nomination made, all and every other act and acts necessary to be done in order to such election, shall be had, made and done at such assembly, and in such manner and form, as the same ought to have been had, made and done, in case such election had been made upon the day next after the expiration of the time prescribed for such election by the charter or usage of such borough or corporation, according to the directions herein before-mentioned.

Mayors, &c. collected, shall take the oaths

IV. And be it further enacted by the authority aforesaid, That the mayor, bailiff or bailiffs, or other chief officer or officers

ficers, who shall be elected pursuant to the directions of this act, shall take the oath or oaths by law required at the time of his admission into such office, before such officer who shall preside at such election, in pursuance of this act, who is hereby authorized and required to administer such oath or oaths; and shall have the same privileges, precedence, powers and authorities in all respects, as any mayor, bailiff or bailiffs, or other chief officer or officers of the same city, borough or corporation, elected on the days or time fixed by charter or usage for that purpose ought to have or enjoy.

V. Provided always, That no such election, nor any act done in order thereunto, shall be valid, unless as great a number of persons, having right to be present at and vote therein, shall be present at the assembly holden for such purpose, and concur therein, as would respectively have been necessary to be present, and concur in such election or act in case the same had been made or done upon the day or within the time appointed for that purpose by the charter or usage of such city, borough or corporation, saving only, that the presence of the mayor, bailiff or bailiffs, or other chief officer or officers who ought to preside, shall not be necessary.

VI. And be it further enacted by the authority aforesaid, That if any mayor, bailiff or bailiffs, or other chief officer or officers of any city, borough or town corporate shall voluntarily absent himself or themselves from, or knowingly and designedly prevent or hinder the election of any other mayor, bailiff or other chief officer in the same city, borough or town corporate, upon the day or within the time appointed by charter or ancient usage for such election, the person or persons so offending, being thereof lawfully convicted, shall for every such offence suffer imprisonment for the space of six months without bail or mainprize, and shall be for ever disabled to take, hold or exercise any office belonging to the same city, borough or corporation.

VII. And be it further enacted by the authority aforesaid, That no corporation shall be deemed or adjudged to be dissolved or disabled from electing a mayor, bailiff or bailiffs, or other chief officer or officers, by reason of any omission or default, which hath already happened in not nominating, electing or swearing a mayor, bailiff or bailiffs, or other chief officer or officers of such corporation, upon the day or within the time limited for such nomination, election or swearing, by the charter or usage of such corporation, or by reason of the absence of the mayor, bailiff or bailiffs, or other chief officer or officers who ought to have presided at the assembly for such nomination, election or swearing, or by reason of such election having become void as aforesaid, but every such corporation shall be adjudged, deemed and taken to be and to have been subsisting and capable of electing such officer or officers, to all intents and purposes; any such omission, absence, default or avoidance, or any defect, disability or forfeiture arising therefrom, in any wise notwithstanding.

This act not
to make void
any charter,

nor to make
good any elec-
tion, where
judgment of
Ouster has
been awarded
since last day
of Mich. term
1724.

Return to be
made to the
first writ of
Mandamus.

VIII. Provided always, That nothing herein contained shall extend, or be construed to extend, to invalidate or make void any charter heretofore granted to and accepted by any city, borough or town corporate, or any corporation within the same, or any of them, or any elections or acts had, made or done in pursuance of any such charter; nor to make good the election of any officer or member, or of any person claiming to be an officer or member of any city, borough or corporation, against whom any judgment of *Ouster* shall have been entred or given upon any information in the nature of a *Quo Warranto*, or whose election shall have been avoided upon any writ of *Mandamus*, on or before the last day of *Michaelmas* term in the year of our Lord one thousand seven hundred and twenty four.

IX. And be it further enacted by the authority aforesaid, That where any writ of *Mandamus* shall issue out of the court of King's bench in any of the cases aforesaid, the person or persons to whom such writ shall be directed, shall make his or their return to the first writ of *Mandamus*.

C A P. V.

3 Geo. 2. c. 37. An act for enlarging the term granted by an act made in the tenth year of her late Majesty's reign, for amending and maintaining the road between Northfleet, Gravesend and Rochester, in the county of Kent; and for explaining the same act, and for appropriating part of the money arising thereby towards repairing the road between the town of Chatham and Boughton under the Blean, in the said county of Kent.

By this act the private act of 10 Ann. c. 34. is continued from 6 June 1725, for 15 years. Continued by 11 Geo. 2. c. 37.

C A P. VI.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. EXP.

C A P. VII.

An act for rating such unrated goods and merchandizes as are usually imported into this kingdom, and pay a duty ad valorem upon the oath of the importer; and for ascertaining the value of all goods and merchandizes not inserted in the former or present book of rates; and for repealing certain duties upon drugs and rags; and for continuing the duty upon apples; and for ascertaining the method of admeasuring of pictures imported.

Most gracious Sovereign,

12 Car. 2. c. 4. **W**HEREAS by the act of tonnage and poundage made in the twelfth year of the reign of King Charles the Second, a subsidy called poundage was laid upon all manner of goods and merchandizes of every merchant, natural-born subject, denizen and alien, to be brought into this realm, or any the dominions to the same belonging, by way of merchandize, of the value of every twenty shillings of the same goods and merchandizes, according to the several and particular rates and values of the same goods and merchandizes, as the same are particularly and respectively rated and valued in the book of rates

rates therein mentioned and referred unto (subscribed with the hand of Sir Harbottle Grimstone, baronet, then speaker of the house of commons) twelve pence, and so after that rate; in which book of rates it is provided, That if there should happen to be brought into this realm any goods liable to the payment of custom and subsidy, which either were omitted in the said book, or were not then used to be brought in, or by reason of the great diversity of the value of some goods could not be rated; that in such case every customer or collector for the time being should levy the said custom and subsidy of poundage according to the value and price of such goods, to be affirmed upon the oath of the merchant in the presence of the customer, collector, comptroller and surveyor, or any two of them: and whereas a further subsidy of poundage, of twelve pence in the pound, was granted to his majesty King William the Third (of glorious memory) for his life, by an act made in the ninth year of his reign, upon all goods and merchandizes imported (except such as are therein excepted) which further subsidy was again granted to her late majesty Queen Anne for her life, by an act made in the first year of her reign; and the said further subsidy was again granted to his present Majesty for his life (which God long preserve) by an act made in the first year of his Majesty's reign, with the like provision with respect to any goods imported that were not rated in the said book of rates, as was made touching the like goods liable to the first mentioned subsidy of twelve pence in the pound, granted by the said act made in the twelfth year of King Charles the Second: and whereas by an act made in the second year of her said late Majesty another subsidy of poundage was granted upon all goods and merchandizes imported (except as therein is excepted) commonly called the one third subsidy; and by an act passed in the third year of her said late Majesty another subsidy of poundage was granted upon all goods and merchandizes imported (except as therein is excepted) commonly called the two thirds subsidy; which said several subsidies of one third and two thirds are, by the respective acts which granted and continued the same, to be paid in proportion to the said further subsidy granted by the said act of the ninth year of the reign of King William the Third, and since continued during his present Majesty's life as aforesaid: and whereas by an act made in the second year of the reign of their late majesties King William and Queen Mary, an imposition (commonly called the old impost) was laid upon several goods and merchandizes therein mentioned, and it is provided, That where any duties upon goods and merchandizes therein granted are to be levied according to the value of the same, where such goods or merchandizes are particularly rated in the said book of rates, the value shall be understood and taken according to such rate, and where they are not particularly rated, the value shall be taken by and according to the oath of the importer, and not otherwise (the duties imposed by the said act not to be reckoned into the value of the same:) and whereas by an act made in the fourth year of the reign of their said late Majesties, an additional impost was laid upon several goods and merchandizes therein mentioned according as the same stood rated in the said book of rates, and also upon all goods and merchandizes imported not particularly rated in the said book

book of rates, paying duty at value, five pounds for every one hundred pounds value thereof, to be affirmed upon the oath of the importer according to the direction of the said book of rates (except mums, and such goods and merchandizes as were particularly charged by the said act of the fourth year of their said late majesties, or by the said act of the second year of their said late Majesties reign:) and whereas by an act made in the seventh year of the reign of his late majesty King William the Third, an additional duty of twenty five pounds per centum ad valorem was laid upon all goods of the growth, product or manufacture of France imported (other than those particularly rated) to be raised, levied, collected and paid by such rules, means and ways as are mentioned in the said act of tonnage and poundage made in the twelfth year of his said late majesty King Charles the Second: and whereas by an act made in the third year of the reign of her said late majesty Queen Anne, a further duty was granted after the rate of four pounds for every one hundred pounds value, for and upon all unrated drugs (dying drugs excepted) that should be imported from any parts or places (other than the East-Indies, Persia, China, and other parts within the limits of the charters granted to the East-India company) and that the values of such unrated drugs should be affirmed by the oaths of the importers of such drugs respectively; all which acts, which granted the said several subsidies, commonly called the old subsidy, the one third subsidy and two thirds subsidy (except the said further subsidy, which is granted to his Majesty during his life) as also the said impositions, additional duty on French goods, and the further duty upon unrated drugs, are by several subsequent acts of parliament continued for ever, subject to redemption by parliament: and whereas it has been found by experience, that the values of the several sorts of goods usually imported, and not rated in the said book of rates, which are sworn to or affirmed by the importers, according to which the said subsidies and other duties are to be paid, have been very unequal, some persons greatly undervaluing the same, to the detriment of the revenue and discouragement of the fair traders: now (for remedying the abuses aforesaid, and for putting trade on a more equal foot) we your faithful commons in parliament assembled do beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the several provisions and clauses contained in the said recited acts and book of rates before mentioned, for ascertaining the value of goods or merchandizes imported according to the oaths or affirmations of the importers, so far as the same relate to the particular goods and merchandizes mentioned and expressed in a certain book of rates herein after mentioned and referred unto, shall, from and after the five and twentieth day of March one thousand seven hundred and twenty-five, be and are hereby repealed and made void.

Provisions for rating goods ad valorem repealed after 25 March 1725.

In lieu thereof, the old subsidy to be paid

II. And be it further enacted by the authority aforesaid, That in lieu of the said former rates and duties ad valorem, repealed by

by this act, there shall, from and after the said five and twentieth day of *March* one thousand seven hundred and twenty five, be payable and paid for the said old subsidy the several rates and duties mentioned and expressed in one book of rates, intituled, *An additional book of rates of goods and merchandizes usually imported and not particularly rated in the book of rates referred to in the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, with rules, orders and regulations, signed by the right honourable Spencer Compton, esquire, speaker of the honourable house of commons,* the said rates and duties to be paid upon importation of the said goods and merchandizes respectively into any port or place within this kingdom, and so in proportion for any greater or lesser quantity; which said last mentioned book of rates, composed and agreed on by your Majesty's said commons, and every article, rule and clause therein contained, shall be and remain, during the continuance of the said first recited act of tonnage and poundage, of full force, and shall be put in execution as fully and effectually to all intents and purposes, as if the same were particularly inserted in the body of this present act.

according to the additional book of rates signed by Spencer Compton, esq; speaker.
12 Car. 2. c. 4

III. And be it further enacted by the authority aforesaid, That in all cases where any of the said goods or merchandizes mentioned in the said book of rates are by law subject or liable to the payment of the said further subsidy, the one third subsidy, the two thirds subsidy, the old impost, the additional impost, the additional duty on *French* goods, and the further duty on unrated drugs, or any of them, according to the respective values set thereon for the said old subsidy, or in proportion thereto, the same shall, from and after the said five and twentieth day of *March* one thousand seven hundred and twenty five, be paid proportionably according to the particular value set thereon in the said book of rates last mentioned for the old subsidy aforesaid, and not according to the oath or affirmation of the importer; any thing in the respective acts which granted the said duties, or in any other acts to the contrary notwithstanding.

Goods liable to the further subsidy, &c, to pay according to the values in the said book of rates.

IV. And whereas by an act made in the tenth year of the reign of her said late majesty *Queen Anne* (for laying several duties upon all *sape* and paper made in Great Britain, or imported into the same, and for other purposes therein mentioned) a new duty, after the rate of twenty pounds for every one hundred pounds of the true and real value, was laid upon all paper, white or brown, or of any other colour or kind whatsoever, which should be imported or brought into this kingdom (not being particularly charged in that act) and by another act made in the twelfth year of the reign of her said late Majesty, a further new duty, after the rate of ten pounds for every one hundred pounds of the true and real value, was laid on the like sorts of unrated paper imported, the said values of such paper in the two acts last mentioned to be taken to be so much as such imported kinds are really worth to be sold at the port of importation, without any abatement for the duties charged by the said acts, or any former acts, the

10 Ann. c. 19.

12 Ann. stat. 7. c. 9.

said

Acts 10 & 12
Ann. relating
to unrated
paper, repeal-
ed,

and such paper
to pay accord-
ing to the va-
lues in the said
book of rates.

New sorts of
paper import-
ed, to pay ac-
cording to the
values of those
nearest above
in size and
goodness.

How the sever-
al subsidies
on unrated
goods are to
be raised.

said new duties, so payable ad valorem, to be received and levied upon the oath or affirmation of the merchant or importer; which said acts are by subsequent acts continued for ever, subject to redemption by parliament: be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of *March* one thousand seven hundred and twenty five the said several acts of parliament made in the tenth and twelfth years of the reign of her said late Majesty, so far as they relate to the levying the said respective new duties of twenty pounds *per centum*, and ten pounds *per centum*, on all paper, white or brown, or of any other colour, imported, not particularly charged in the said acts, according to such valuations thereof upon the oath or affirmation of the merchant or importer, shall be and are hereby repealed, and instead thereof the said new duties of twenty pounds *per centum* and ten pounds *per centum*, so payable *ad valorem*, shall be answered, levied and paid to his Majesty, his heirs and successors, over and above the subsidies and other duties on unrated paper, for and towards the fund granted by the said acts of the tenth and twelfth years of her said late Majesty, and during the continuance thereof, according to the respective rates and values for and upon the several kinds and sorts of unrated paper mentioned and expressed in a certain book of rates before-mentioned, signed by the right honourable *Spencer Compton*, esquire, speaker of the honourable house of commons, and so in proportion for any greater or lesser quantity, as fully and effectually as if the said rates and values, and the clauses and rules relating thereunto, were inserted in the body of this present act; any thing in the said acts of the tenth and twelfth years of her said late Majesty, or in any other acts to the contrary notwithstanding.

V. And for the more equal payment of the said several duties upon unrated paper imported or brought into this kingdom from and after the five and twentieth day of *March* one thousand seven hundred and twenty five; be it enacted and declared by the authority aforesaid, That if any new fabrick or sorts or kinds of paper shall be imported, which are not particularly valued or rated in the said respective books of rates, or in any act or acts of parliament, such paper or papers shall pay the several and respective duties that are charged thereon according to the values and rates of those sorts or kinds of papers, which are nearest above in size and goodness to the several sorts or kinds of papers valued or rated in the said respective books of rates, or by this or any former act or acts of parliament, without any distinctions of country or place from whence the same shall be imported; any law, custom or usage to the contrary notwithstanding.

VI. And be it enacted and declared by the authority aforesaid, That the several subsidies, impositions, duties, new duties, and further new duties upon the said several sorts of unrated goods, shall be paid or secured, and shall be raised, levied and collected in such manner and form, and by such ways and means, and

and under such penalties and forfeitures, and with such discounts, allowances and drawbacks as are mentioned and expressed in the several acts of parliament which granted or continued the same respectively; and all powers, penalties, provisions, articles and clauses therein contained (except in such cases where any alteration is by this act made) shall continue in full force and effect during the continuance of the said respective subsidies, impositions and other duties, and new duties, and shall be applied, practised and executed for the raising, levying, collecting, securing, answering, paying and appropriating the said respective subsidies, impositions and other duties according to the true intent and meaning of this present act, as fully and effectually to all intents and purposes, as if the said clauses, matters and things (except as aforesaid) had been again repeated in the body of this present act; any law, custom or usage to the contrary notwithstanding.

VII. *And whereas it may happen that several goods and merchandizes may be imported, which are omitted to be rated in either of the said books of rates;* be it enacted by the authority aforesaid, That in such case the value and price of such goods and merchandizes shall be ascertained by the oath or affirmation of the merchant, in the presence of the customer, collector, comptroller and surveyor, or any two of them, and the old subsidy, and other duties which are payable in proportion to the said old subsidy, are to be paid according to such value and price.

How goods not rated in the books of rates are to pay.

VIII. *And the better to prevent frauds to the revenue, and that all merchants may be upon a more equal foot in trade, be it enacted by the authority aforesaid, That it shall and may be lawful for the collector and comptroller, or other proper officers of the customs, to open, view and examine such goods and merchandizes paying duty ad Valorem, and compare the same with the value and price thereof so sworn to or affirmed; and if upon such view and examination it shall appear, that such goods or merchandizes are not valued by such oath or affirmation according to the true value and price thereof, according to the true intent and meaning of this or any other act or acts of parliament, that then and in such case the importer or proprietor shall, on demand made in writing by the customer or collector, and comptroller of the port where such goods or merchandizes are entred, deliver or cause to be delivered all such goods and merchandizes into his Majesty's warehouse at the port of importation, for the use and benefit of the crown; and upon such delivery the customer or collector of such port, with the privity of the comptroller, shall, out of any money in his hands, arising by customs or other duties belonging to the crown, pay to such importer or proprietor the value of such goods and merchandizes so sworn to or affirmed for the said old subsidy as aforesaid, together with an addition of the customs and other duties paid for such goods, and of ten pounds per centum over and above the value thereof, taking a receipt for the same from such importer or proprietor, in full satisfaction for the said*

Proper officer may examine goods paying ad valorem, and if not valued to the true price,

may warehouse the goods for the use of the crown,

and to pay to the importer the value sworn to, with the customs paid, and 10 l. per cent. over goods

goods, as if they had been regularly sold; and the respective commissioners of the customs shall cause the said goods to be fairly and publickly sold for the best advantage; and out of the produce thereof the money so paid or advanced as aforesaid shall be repaid to such collector, to be replaced to such funds from whence he borrowed the same, and the overplus (if any) shall be paid into his Majesty's exchequer towards the sinking fund; any law, custom or usage to the contrary in any wise notwithstanding.

IX. *And whereas by an act made in the tenth year of her said late Majesty, Queen Anne, (for laying additional duties on hides and skins, vellum and parchment, and new duties on starch, coffee, tea and drugs, and for other purposes therein mentioned) a duty was granted after the rate of twenty pounds for every one hundred pounds of the true and real value of all kinds of drugs imported (dying drugs imported from foreign parts and turpentine imported from the British plantations excepted) over and above all other customs, subsidies and duties imposed upon or payable for the same: And whereas it has been found by experience, That the laying the said additional duty of twenty pounds per centum on the said drugs has not answered the intention thereof, the said duty being so excessive high, that the fair merchant cannot import the said drugs, which gives opportunity to run the same clandestinely, to the prejudice of the revenue, be it therefore enacted by the authority aforesaid, That the said additional duty of twenty pounds per centum upon drugs, payable by virtue of the said last mentioned act, shall, from and after the five and twentieth day of March one thousand seven hundred and twenty five, cease, determine, and be no longer payable; any thing in the said act or in any other acts to the contrary notwithstanding.*

The additional duty to
Ann. on drugs
to cease after
25 March 1725.

No duty on
old rags im-
ported.

X. *And for the encouragement of the making of paper in this kingdom, be it further enacted by the authority aforesaid, That from and after the five and twentieth day of March one thousand seven hundred and twenty five it shall and may be lawful to import into this kingdom any old rags, old ropes or junks, or old fishing nets, fit only for the making of paper or pastboard, without paying any subsidy, custom, imposition or other duty for the same, so as a due entry be first made thereof in the custom-house belonging to the port into which the same shall be imported, in the same manner and form, expressing the quantities and qualities of the said goods, as was used and practised before the making of this act, and so as the same be landed in the presence of the proper officer or officers appointed for that purpose; and on failure of such conditions such goods shall be liable to forfeiture, and shall and may be seized and prosecuted, and the value thereof divided, as if this act had never been made; any law, statute, usage or provision to the contrary notwithstanding.*

Additional
duty on ap-
ples,
§ Geo. 1. c. 20.

XI. *And whereas by an act of parliament made and passed in the eighth year of his present Majesty's reign (for paying off and cancelling one million of exchequer-bills, and for other purposes therein mentioned) an additional duty of two shillings for every bushel was laid upon all apples imported after the feast-day of the annunciation of the bles-*
sed

sed Virgin Mary one thousand seven hundred and twenty two, to continue during the term of three years, and until the end of the next session of parliament next following the said term of three years which term being near expired, and it being found necessary to continue the same for a further term of years; be it enacted by the authority aforesaid, That the said additional duty of two shillings for every bushel of apples imported shall be further continued, from and after the expiration of the term and time aforesaid, for and during the term of seven years; and the said act so made in the eighth year of his Majesty, and all powers, provisions, penalties, articles and clauses therein contained (for or concerning the said additional duty on apples imported) shall continue and be in force, and be applied, practised and executed for the raising, levying, collecting, answering and paying the said additional duty upon apples imported, as fully to all intents and purposes, as if all and every the clauses, matters and things in the said act, so far as the same relates to the additional duty on apples imported, had been again repeated and enacted in the body of this present act; any thing in the said act, or in any other act, to the contrary notwithstanding.

XII. *And whereas by an act of parliament made and passed in the eighth year of his Majesty's reign, it is (amongst other things) enacted, That from and after the feast-day of the annunciation of the blessed Virgin Mary one thousand seven hundred and twenty two there shall be paid and payable to his Majesty, his heirs and successors, for all pictures which shall be imported into Great Britain, the certain duties following, according to the respective dimensions of such pictures; that is to say, for every picture of four feet square or upwards, or of any dimensions, which being reduced will produce a square of four feet or upwards, the sum of three pounds; for every picture of two feet square, and under four feet square, the sum of forty shillings; and for every picture under two feet square, the sum of twenty shillings: and whereas some doubts have arisen as to the reducing pictures to the said several squares of four feet and two feet: for obviating and preventing such doubts for the future, be it further enacted by the authority aforesaid, That all pictures, which from and after the five and twentieth day of March one thousand seven hundred and twenty five shall be imported into Great Britain, shall be measured and reduced to superficial measure, that is to say, every picture, which being reduced will produce a square of four feet or upwards, shall be a picture that shall contain sixteen superficial feet or upwards, and shall pay the said sum of three pounds; every picture of two feet square, and under four feet square, shall, when reduced, produce four superficial feet or upwards, and under sixteen superficial feet, and shall pay the said sum of forty shillings; and every picture under two feet square shall be a picture which, when reduced, shall produce less than four superficial feet, and shall pay the sum of twenty shillings; any thing in the said act of the eighth year of his Majesty's reign, or any other law, usage or custom to the contrary thereof in any wise notwithstanding.*

Clause for ascertaining the method of ad-measuring pictures imported.

2 Geo. 1. c. 20.

An additional book of rates of goods and merchandizes usually imported, and not particularly rated in the book of rates referred to in the *act of tonnage and poundage* made in the twelfth year of the reign of King *Charles the Second*: with rules, orders and regulations, signed by the right honourable *Spencer Compton*, esquire, speaker of the honourable house of commons.

Rates for the old
subsidy, instead
of the oath of
the importer.

		A	l. s. d.
A	ARCHELIA, or Spanish weed (for dyers use) the C. wt. containing 112 lb.	_____	0 18 4
	Ashes called weed ashes, the C. wt. containing 112 lb.	_____	0 10 0
B.			
	Babies jointed, the dozen	_____	2 0 0
	Bags called runnet bags, the dozen	_____	0 4 0
	Balls for children, the small groce, containing 12 dozen	_____	1 0 0
	Bark of oak, the C. wt. containing 112 lb.	_____	0 10 0
	Beads { of jet, the pound	_____	0 5 0
	{ of horn, the small groce, containing 12 dozen	_____	0 5 0
	Beer, called spruce beer, the barrel, containing 42 gallons	_____	2 10 0
	Binding for brooms, the C. wt. containing 112 lb.	_____	0 16 8
	Birds, vocat. { Singing birds, the dozen	_____	0 9 0
	{ Birds of all other sorts, not rated in the book of rates, the dozen	_____	0 12 0
	Bladders, the dozen	_____	0 0 4
	Botargo, the pound	_____	0 1 0
	Bowls, or buckets of wood, the dozen	_____	0 3 4
	Boxes, vocat. { Money boxes of wood, the small groce, containing 12 dozen	_____	0 15 0
	{ Pill boxes, or boxes entred as such, of wood the small groce, containing twelve dozen nests, each nest containing four boxes	_____	0 5 0
	Boxes, vocat. { Snuff boxes of wood, plain, the dozen	_____	0 10 0
	{ Snuff boxes of horn, plain, the dozen	_____	1 0 0
	{ Snuff boxes of ivory or tortoise-shell, the dozen	_____	2 0 0
	Brafs wrought, not rated in the book of rates, the pound	_____	0 1 4
	Bread or Bisket, the C. wt. containing 112 lb.	_____	0 6 8
	Brooms, called flag brooms or whisk brooms, the dozen	_____	0 0 4
C			
	Cabinets of amber, the piece	_____	3 0 0
	Calpins for fans, the dozen	_____	0 7 6
	Calves velves to make rennet, the C. wt. containing 112 lb.	_____	1 0 0
	Candles of wax, { Green, the pound	_____	0 1 0
	{ White or yellow, the pound	_____	0 1 6
	Canns of wood, the dozen	_____	0 3 4
	Caps of cotton thread, the dozen	_____	0 6 8
	Cases { for bottles, the piece, not exceeding 12 bottles.	_____	0 3 4
	{ for bottles, if above 12 bottles	_____	0 5 0
	Cask empty, the ton	_____	1 10 0
	Chairs matted, the dozen	_____	2 10 0

Coker

Rates for the old
subsidy, instead
of the oath of
the importer.

	l.	s.	d.
Coker nuts for cane-heads or cups, the thousand	0	10	0
Copper ore, the C. wt. containing 112 lb.	0	2	6
Copper part wrought, as bars, rods, or ingots hammered or raised, the C. wt. containing 112 lb.	6	0	0
Copper of all sorts fully wrought, not particularly rated in the book of rates, the C. wt. containing 112 lb.	9	6	8
Corks ready made, the groce, containing 12 dozen	0	1	8
Cucumbers pickled, the gallon	0	2	6

D

Down, the pound	0	1	6
Adeps Ursi, the pound	0	2	0
Ambra liquida, the pound	0	8	0
Aqua fortis (for dyers use) the bottle, containing 4 gallons	2	5	0
Auriculæ Judæ, the pound	0	1	0
Baccæ Alkakenji, the pound	0	1	0
Balsamum Copaiva, the pound	0	2	6
Barbadoes tar, the pound	0	0	3
Bitumen Judaicum, the pound	0	0	6
Capita Papaverum, the thousand	0	5	0
Chamæpitys, the pound	0	0	6
Chelæ Cancrorum, the pound	0	0	3
Cinnibaris Nativa, not of the East-India, the pound	0	10	0
Colophonia, the C. wt. containing 112 lb.	0	10	0
Cornu Cervi Calcinaum, the pound	0	0	8
Cornu Unicornu, each	0	10	0
Cortex Elætheriæ, the C. wt. containing 112 lb.	1	10	0
Cortex Limonum vel Aurantiorum, the pound	0	0	6
Cortex Cariophyllorum, the pound	0	0	6
Cortex Peruvianus, or Jesuits bark, the pound	0	2	6
Cranium Humanum, each	0	1	0
Cowitch, the pound	0	5	0
Cranium of Tartar (for dyers use) the C. wt. containing 112 lb.	2	10	0
Dens Apri, the pound	0	8	0
Dens Equi Marini, the pound	0	2	0
Eboris Rafuræ, the pound	0	0	2
Essence of lemons, the pound	0	6	8
Fechia Brugiata, the C. wt. containing 112 lb.	0	10	0
Flores Chamæmeli, the pound	0	0	6
Flores Meliloti, the pound	0	0	6
Granadilla Peruviana, the pound	0	4	0
Gummi Copal, the pound	0	0	10
Lapis Hibernicus, the C. wt. containing 112 lb.	1	0	0
Lapis Hyacinthi, the pound	0	4	0
Lapis Magnetis, the pound	0	1	0
Lapis Nephriticus, the pound	0	5	0
Lapis Ostiocolle, the pound	0	0	6
Lapis Rubinus, the pound	0	1	0
Lapis Sapphirus, the pound	0	1	0
Lapis Smaragdus, the pound	0	1	0

Drugs, vocat.

Lapis

Rates for the old
subsidy; instead
of the oath of
the importer.

	l.	s.	d.
Lapis Spongiæ, the pound	—	—	0 1 0
Lapis Topagæ, the pound	—	—	0 1 0
Mother of Pearl shells, not of East-India, the pound	—	—	0 1 0
Oleum Annisi, the pound	—	—	0 5 0
Oleum Cariophyllorum, the pound	—	—	0 10 0
Oleum Carui, the pound	—	—	0 5 0
Oleum Cinnamomi, the ounce troy	—	—	0 5 0
Oleum Cimyni, the pound	—	—	0 4 0
Oleum Juniperi, the pound	—	—	0 2 0
Oleum Nucis Muscatæ liquidum, the pound	—	—	0 6 8
Oleum Origani, the pound	—	—	0 5 0
Oleum Palmæ, the C. wt. containing 112 lb.	—	—	1 0 0
Oleum Rhodii, the pound	—	—	2 10 0
Oleum Sassafræ, the pound	—	—	0 4 0
Oleum Thymæ, the pound	—	—	0 5 0
Oleum Vitrioli, the pound	—	—	0 1 0
Orange Jessamine, or other perfumed oils, not otherwise rated, the pound	—	—	0 5 0
Chymical oils not otherwise rated, the pound	—	—	0 2 0
Pompholix, the pound	—	—	0 0 4
Rhinehurt, the C. wt. containing 112 lb.	—	—	1 0 0
Radix Bistortæ, the C. wt. containing 112 lb.	—	—	0 10 0
Radix Cassiniar, not of the East-India, the pound	—	—	0 5 0
Radix Enulæ Campanæ, the C. wt. containing 112 lb.	—	—	1 0 0
Radix Eringii, the pound	—	—	0 0 6
Radix Hypocacuanæ, the pound	—	—	0 6 8
Radix Mei Athamantici, the pound	—	—	0 0 6
Radix Phu, the pound	—	—	0 0 6
Radix Serpentariæ, the pound	—	—	0 2 6
Radix Tormentillæ, the C. wt. containing 112 lb.	—	—	0 10 0
Rezina Jalapii, the pound	—	—	0 10 0
Rezina Scamonii, the pound	—	—	0 10 0
Salop, not of the East-India, the pound	—	—	0 1 0
Sal Prunellæ, the pound	—	—	0 0 6
Sal Succini, the pound	—	—	0 4 0
Sal Tamarisca, the pound	—	—	0 5 0
Sal Tartari, the pound	—	—	0 1 0
Sal Vitrioli, the pound	—	—	0 1 0
Sal Volatile Armoniaci, the pound	—	—	0 2 0
Sal Volatile Cornu Cervi, the pound	—	—	0 2 0
Saccharum Saturni, the pound	—	—	0 1 0
Sevum Cervinum, the pound	—	—	0 0 6
Spiritus Cornu Cervi, the pound	—	—	0 2 0
Spiritus Vitrioli, the pound	—	—	0 0 6
Sulphur Vivum, the C. wt. containing 112 lb.	—	—	0 10 0
Tartarum Vitriolatum the pound	—	—	0 1 0
Turpentine of Germany, or from any other place, not otherwise rated, the C. wt. containing 112 lb.	—	—	2 0 0
Ungulæ Alcis, the hundred hoofs	—	—	0 10 0

Drugs, vocat.

Earthen

Rates for the old
subsidy, instead
of the oath of
the importer.

		E.	l.	s.	d.	
Earthen ware of all forts (except India or China, not to be uttered or fold, and not otherwise rated) the pound wt. broken or whole	}		0	0	10	
		Edging for hats of caddas, the dozen		0	5	6
		Enamel, the pound		0	4	0
		F.				
Foils for fencers, the dozen			0	15	0	
		G.				
Grocery, vocat.	}	Pimento of and from the British plantations, the pound	0	0	6	
		Liquorish in powder, the C. wt. containing 112 lb.	2	0	0	
		Plumbs dried, the pound	0	0	6	
		Raisins of Alicant, Denia, and other raisins, not otherwise rated, the C. wt. containing 112 l.	0	10	0	
Perspective glasses	}	Raisins of Lipra, or Belvadera, the C. wt. containing 112 lb.	0	11	0	
		Large, the piece not exceeding three feet in length	1	0	0	
		Large, the piece exceeding three feet in length	2	0	0	
		Small the dozen	1	0	0	
Glass broken, the C. wt. containing 112 lb.			0	2	6	
Glovers clippings, the C. wt. containing 112 lb.			0	5	0	
Graves for dogs, the C. wt. containing 12 lb.			0	3	4	
		H.				
Hay, the load, containing 36 trusses, each truss being 56 pounds			2	0	0	
Horns of cows or oxen, the hundred, containing five score			0	6	8	
Horn tips, the hundred, containing five score			0	2	0	
Hair vocat.	}	Cow or ox hair, the C. wt. containing 112 lb.	1	10	0	
		Horse hair, the pound	0	2	6	
		Human hair for perukes, the pound	0	6	8	
Hoans, the hundred, containing five score			2	0	0	
		I.				
Iron of Ireland and all other places unwrought, not otherwise rated, the ton, containing 20 C. wt. each C. containing 112 lb.	}		7	0	0	
		Iron oar, the ton, containing 20 C. wt. each hundred containing 112 lb.	0	10	0	
Old bushel broken and old cast iron, the ton			2	10	0	
Iron slit or hammered into rods, called rod iron, and iron drawn or hammered less than three fourths of an inch square, the C. wt. containing 112 lb.	}		1	0	0	
		Iron, called pig iron, from the British plantations, the ton, containing 20 C. wt. each C. containing 112 lb.	1	0	0	
Iron wares manufactured; not otherwise rated, or not prohibited by law to be imported, the C. wt. containing 112 lb.	}		2	0	0	
		Juice of limes, the gallon	0	0	6	
		K.				
Kelp, the ton, containing 20 C. wt. each C. containing 112 lb.			3	0	0	
		L.				
Lard, the pound			0	0	3	

Rates for the old
subsidy, instead
of the oath of
the importer.

		l.	s.	d.	
Linen, vocat.	Alexandria or Turkey linen, the ell		0	1	6
	Borlaps, the ell		0	0	10
	Damask and diaper napkinning and towelling, of the manufacture of Ruffia, not exceeding half an English ell in breath, the yard		0	0	4
	Damask or diaper tabling or napkinning and towelling of any place (except Ireland and Ruffia) not otherwise rated, to be rated at the several rates of damask or diaper of Silesia making, in the book of rates.		0	0	4
	Neckcloths of Silesia, or any other country (except India) the dozen		0	9	0
	Oilcloth, the ell		0	1	0
	Sailcloth, commonly called fail duck or Holland duck, from all places (except from India) the C. containing 120 ells		5	0	0
	Sheets old, the piece		0	1	6
	Spanish or Portugal linen, the ell		0	1	4
	Trillets the ell		0	1	8
M.					
Maps in frames, the map and frame		0	5	0	
Matting	of Barbary or Portugal, the yard		0	1	6
	of Holland, the yard		0	0	6
Leaf metal (except of leaf gold) the packet, containing 250 leaves		0	0	6	
Metal prepared for battery, the C. wt. containing 112 lb.		6	0	0	
Morels, the pound		0	4	0	
Mum, the barrel, containing 42 gallons		2	10	0	
N.					
Nuts, called chefnuts, the bushel		0	5	0	
O.					
Oil of hempseed, the ton, containing 252 gallons		20	0	0	
Oil, called ordinary oil of olives, from any place, not otherwise rated,		32	0	0	
	the ton, containing 252 gallons.				
P.					
Pails of wood, or kits of wood, the dozen		0	6	8	
Painters colours of all sorts, not otherwise rated, the pound		0	0	6	
Paper, vocat.	Atlas ordinary		0	14	0
	Genoa royal fine		0	14	0
	Genoa medium fine		0	14	0
	Fine Holland royal		0	14	0
	Medium paper		0	14	0
	Second Genoa royal		0	14	0
	Second Genoa medium		0	14	0
	Second fine Holland royal		0	14	0
	Fine large post, weighing 15 pounds per ream and upwards		0	14	0
	Cartridge paper		0	14	0
Ordinary elephant		0	7	6	
Fine large post, weighing under 15 pounds per ream		0	7	6	
Chancery double		0	5	0	
Ordinary royal		0	5	0	

And

And the several sorts of unrated paper hereafter mentioned are to pay the new duties of twenty per cent. and ten per cent. granted by the acts made in the tenth and twelfth years of her late Majesty Queen Anne, according to the following rates, and not according to the oath of the importer; viz:

		Rates.		
		l.	s.	d.
Paper, vocat.	Second writing imperial, the ream	_____	2	15 0
	Second writing super royal, the ream	_____	2	0 0
	Second writing royal, the ream	_____	1	7 6
	Second writing medium, the ream	_____	1	0 0
	Second fine Holland royal, the ream	_____	0	10 0
	Blue paper for sugar bakers, the single ream	_____	0	5 10
	Ordinary royal	} each ream	0	5 0
	Fine printing crown			
	Fine printing fools cap	} each ream	0	3 0
	Brown cap			
	Second ordinary printing crown	} each ream	0	3 0
	Second ordinary printing fools cap			
	Ordinary pot			
	Fine Genoa pot			
Second Genoa pot				
Brown paper, the bundle containing 40 quire	_____	0	3 4	
Small post, the ream	_____	0	7 6	

Rates for the old
subsidy, instead
of the oath of
the importer.

Pears, the bushel	_____	0	5 0
Pencils of all sorts, the groce, containing 12 dozen	_____	0	10 0
Pewter old, the C. wt. containing 112 lb.	_____	2	10 0
Pickles of all sorts, not otherwise rated, the gallon	_____	0	2 6
Plat, called Bermudas plat for hats, the pound	_____	0	0 6
Plate wrought of gold, the ounce	_____	4	0 0
Platters of wood, the shock, containing sixty	_____	0	10 0
Powder of brafs for japanning, the ounce	_____	0	0 6
Prints of paper (except of India or China) the piece	_____	0	0 6

Quilting of all sorts, whether of linen, callico or cotton, (not of India or China) the yard

Q.

_____ } 0 5 0

Racket hoops, the dozen

R.

_____ } 0 1 6

Rennet, the gallon

_____ } 0 0 8

Sausages or puddings of Bolognia, or any other place, the pound

S.

_____ } 0 1 0

Scale-boards, the C. wt. containing 112 lb.

_____ } 0 3 4

Scoops of wood, the dozen

_____ } 0 3 4

Clover feed, the C. wt. containing 112 lb.

_____ } 0 10 0

Colc feed, the quarter, containing 8 bushels

_____ } 1 0 0

Hemp feed, the last, containing ten quarters, each quarter containing 8 bushels

_____ } 1 0 0

Lucerne feed, the C. wt. containing 112 lb.

_____ } 0 10 0

Maw feed, the pound

_____ } 0 0 6

Millet feed, the C. wt. containing 112 lb.

_____ } 0 16 0

Rates for the old
subsidy, instead
of the oath of
the importer,

		l.	s.	d.
Shavings for hats, the C. wt. containing 112 lb.	_____	1	5	0
Sheeps guts dried to make whips, the groce, containing 12 dozen	_____	0	1	8
Silk wrought, flowered or mixed with gold or silver (except of India, Persia or China) the pound-weight, containing 16 ounces	_____	3	10	0
Coney-skins, the dozen	_____	0	1	0
Deer-skins Indian half drefs'd, the pound-weight	_____	0	1	3
Dog-skins undrefs'd, the piece	_____	0	0	8
Elk-skins drefs'd or undrefs'd, the skin	_____	0	6	0
Fisher-skins, the piece	_____	0	5	0
Goats-skins in the hair, not otherwise rated, the dozen	_____	1	0	0
Hare-skins, the dozen	_____	0	0	4
Lamb-skins drefs'd in allom, the hundred, containing 5 score	_____	1	0	0
Lamb-skins drefs'd in oil, the hundred, containing 5 score	_____	4	0	0
Lamb-skins skin drefs'd, the hundred, containing 5 score	_____	0	10	0
Lamb-skins skin undrefs'd in the wool, the hundred, containing 6 score	_____	0	5	0
Lamb-skins undrefs'd in the wool, the hundred, containing 6 score	_____	0	10	0
Lions-skins, the piece	_____	0	10	0
Moose-skins, the piece	_____	0	10	0
Musquath, the skin	_____	0	0	6
Panther-skins, the piece	_____	1	0	0
Pelts of all forts (except goat pelts) the hundred, containing 5 score	_____	1	10	0
Pelts of goats drefs'd, the dozen	_____	0	10	0
Pelts of goats undrefs'd, the dozen	_____	0	5	0
Raccoons, the skin	_____	0	0	6
Shagreen-skins, the skin	_____	0	1	8
Sheep-skins drefs'd, the dozen	_____	0	5	0
Swan-skins, the piece	_____	0	3	4
Tales or tips of sable, the piece	_____	0	2	0
Tyger-skins, the piece	_____	0	10	0
Vixer-skins, the piece	_____	0	5	0
Wood-shuckers, the skin	_____	0	5	0
Shovels of wood unshod, the dozen	_____	0	10	0
Shuttles for weavers, the dozen	_____	0	10	0
Skates of wood for sliding, shod, the dozen	_____	0	1	3
Slays for weavers, the dozen	_____	0	6	8
Snowing, the C. wt. containing 112 lb.	_____	1	0	0
Soap { Hard of all forts, not otherwise rated, the C. wt. containing 112 lb.	_____	3	0	0
{ Soft of all forts, not otherwise rated, the C. wt. containing 112 lb.	_____	1	10	0
Soapers waste, the ton, containing 20 C. wt. each C. containing 112 lb.	_____	0	10	0
Socks of thread or cotton, the dozen pair	_____	0	6	8
Spelter of Germany, the C. wt. containing 112 lb.	_____	2	10	0
Brandy of France, the ton, containing 252 gallons	_____	30	0	0
Brandy of Spain, Portugal or Italy, the ton, containing 252 gallons	_____	15	0	0
Brandy of all other countries, not otherwise rated, the ton, containing 252 gallons	_____	20	0	0
Citron-water, the gallon	_____	1	0	0
Geneva, the gallon	_____	0	1	0
Hungary-water, the gallon	_____	0	10	0
Rackee of Turkey, the gallon	_____	0	5	0

Skins, vocat.

Spirits, vocat.

Rosa

Rates for the old
subsidy, instead
of the oath of
the importer.

		l. s. d.	
Spirits, vocat.	{	Rosa solis, and all other cordial-waters, not otherwise rated, the gallon _____	0 10 0
		Rum, the gallon _____	0 1 8
		Vifney from Turkey, the gallon _____	0 10 0
		Ufquebaugh, the gallon _____	0 10 0
Stockings of thread or cotton, the dozen _____		1 15 0	
Stones, vocat.	{	Grave-stones of marble, unpolished, the foot square, superficial measure _____	0 0 4
		Grave-stones of marble, polished, the foot square, superficial measure _____	0 0 8
		Grave-stones of other stone, polished or unpolished, the foot square _____	0 0 1
		Marble basons, tables, mortars, and all other polished marble (except grave-stones and paving-stones polished) the foot square _____	0 1 0
		Marble blocks, the solid foot _____	0 4 0
		Marble paving-stones rough, the foot superficial measure _____	0 0 4
		Marble paving-stones polished, the foot square, superficial measure _____	0 0 8
		Paving-stones, not of marble, the foot square _____	0 0 1
		Pibble-stones, the ton _____	1 0 0
		Slates in frames, the dozen _____	0 3 4
Tables of slate, in frames, the piece _____	0 5 0		
Tables of slate, without frames, the piece _____	0 1 8		
Spinal fine, to make gauze, the pound _____		0 10 0	
Spokes for cart-wheels, long, the thousand _____		6 0 0	
Spokes for cart-wheels, short, the thousand _____		3 0 0	
Swingles, the groce, containing 12 dozen _____		3 0 0	

T.

Tails of cows, the hundred, containing five score _____		0 10 0	
Tape open, the dozen pieces _____		0 2 6	
Tea-tables	{	Lackered, with or without feet, (except of India or China) the piece _____	0 10 0
		Unlackered (except of India or China) the piece _____	0 2 6
Ticking of Germany, or any other country, not otherwise rated, the piece, containing 36 yards _____		1 10 0	
Tortoise shell, the pound _____		0 4 6	
Truffles, the pound _____		0 8 0	

V.

Valonia, (for dyers use) the C. wt. containing 112 lb. _____		0 7 0
Vermachelli paste, the pound _____		0 0 6
Vinelloes, the pound _____		1 10 0

W.

Wafers, the pound _____		0 1 8	
Water, vocat.	{	Pyrmont water, and all other mineral or natural waters, not otherwise rated, the dozen bottles or flasks, each bottle or flask not exceeding 3 pints _____	0 6 8
		Pyrmont water, and all other mineral or natural waters, not otherwise rated, the dozen bottles or flasks, each bottle or flask exceeding 3 pints _____	0 9 0
		Spaw water, the basket, containing 150 flasks, not exceeding 3 pints each flask _____	4 0 0

Rates for the old
subsidy, instead
of the oath of
the importer.

			<i>l.</i>	<i>s.</i>	<i>d.</i>
Bay or mirtle wax, the pound	_____	_____	0	0	6
Weld (for dyers use) the C. wt. containing 112 lb.	_____	_____	0	5	0
Wheels for spinning, the piece	_____	_____	0	1	6
Anchor stocks, the piece	_____	_____	0	6	8
Battens, 6 inches and an half wide, or under, the C. containing 120	_____	_____	1	5	0
Beech boards, 2 inches thick, or under, the C. containing 120	_____	_____	4	0	0
Beech plank, above 2 inches thick, the load, containing 50 foot	_____	_____	2	0	0
Beech quarters, under 5 inches square, the C. containing 120	_____	_____	2	0	0
Beech quarters, 5 inches square, and under 8 inches, the C. containing 120	_____	_____	5	0	0
Box wood, the ton, containing 20 C. wt. each C. containing 112 lb.	_____	_____	8	0	0
Deals from Russia, and all other countries, not particularly rated, exceeding 20 foot in length the hundred, containing 120	_____	_____	15	0	0
Deals from Sweden, or any other country, of 20 foot in length or under, not otherwise rated, the hundred, containing 120	_____	_____	5	0	0
Fire wood, the fathom	_____	_____	0	8	0
Fir quarters, under 5 inches square, the C. containing 120	_____	_____	2	0	0
Fir quarters, 5 inches square, and under 8 inches, the C. containing 120	_____	_____	5	0	0
Hahdscoops, the dozen	_____	_____	0	2	0
Handspikes, the hundred, containing 120	_____	_____	1	0	0
Kilderkin staves, the thousand, containing 120	_____	_____	0	2	6
Knees of Oak,	{ For shipping, 8 inches square and under, the C. containing 120 { For shipping, above 8 inches square, to pay as timber the load { Small, for wherries, the hundred, containing 120	_____	5	0	0
		_____	1	10	0
		_____	0	10	0
Lath wood, the fathom	_____	_____	2	0	0
Mohogany timber or plank, the ton, containing 20 C. wt. each C, containing 112 lb.	_____	_____	8	0	0
Oak	{ Boards under 2 inches thick, and under 15 foot long, the hundred, containing 120 { Plank, the load, containing 50 foot solid { Timber the load	_____	8	0	0
		_____	3	0	0
		_____	1	10	0
Olive wood, the ton, containing 20 C. wt. each C, containing 112 lb.	_____	_____	10	0	0
Palling Boards, the hundred, containing 120	_____	_____	0	6	8
Round wood, the hundred, containing 120	_____	_____	2	0	0
Wainscot boards of all sorts, the inch or foot, containing 12 foot in length, and 1 inch in thickness, and so in proportion in any greater or lesser length or thickness	_____	_____	0	1	6
Wooden tubs, the dozen	_____	_____	0	1	6
Ufers single, under 24 foot in length, the C. containing 120	_____	_____	2	0	0
Ufers double, of 24 foot in length and upwards, the C. containing 120	_____	_____	5	0	0
Wood for dy- ing, vocat.	{ Nicarago wood the C. wt. containing 112 lb. { Of all other sorts not otherwise rated, the C. wt. containing 112 lb.	_____	0	8	0
		_____	0	10	0
Coney wool, the pound	_____	_____	0	0	6
Estridge wool, imported in foreign-built ships, the C. wt. containing 112 lb.	_____	_____	1	8	0
Hare's wool, the pound	_____	_____	0	0	3
Sheep's wool from any other place than mentioned in the book of rates, the pound	_____	_____	0	0	3

Rates for the old
subsidy, instead
of the oath of
the importer.

	l.	s.	d.
Wire of brass or copper, not otherwise rated, the C. wt. containing 112 lb. _____	6	10	0
Y.			
Wick yarn, the dozen pound _____	0	9	9
Worsted yarn, being two or more threads twisted or thrown, the pound _____	0	3	0
Yokes for oxen, the pair _____	0	1	0

Rules, orders and regulations.

ANY of the rates aforesaid, or any thing contained in this additional book of rates, is not to extend to alter the method prescribed by law for ascertaining the values upon such unrated goods, wares and merchandizes imported, as are of the growth, product or manufacture of the East-Indies, China or other the parts within the limits of the charters granted to the united company of merchants of England trading to the East-Indies: Or,

To the charging any duty upon such sort of wood, plank or timber wrought or unwrought, or any of the goods called lumber, which are to be imported, duty-free, by virtue of the act made in the eighth year of his present Majesty's reign, on the conditions therein mentioned, during the continuance of the said act: Or,

To the charging any duty upon such drugs, or other goods used in dying, which are to be imported duty-free, by virtue of another act made in the eighth year of his present Majesty's reign, on the conditions therein mentioned.

And whereas it may happen, that several goods and merchandizes may be imported, which are omitted to be rated in the book of rates made in the twelfth year of the reign of King Charles the Second, or in this additional book of rates, or in some particular act of parliament, in such case, the value and price of such goods and merchandizes for the old subsidy (other than of those of India, Persia or China) shall be ascertained by the oath or affirmation of the merchant, in the presence of the customer, collector, comptroller and surveyor, or any two of them; and the better to prevent frauds, and that all merchants may be upon an equal foot in trade, the collector and comptroller, or other proper officers of the customs, may open, view and examine such goods and merchandizes paying duty ad valorem, and compare the same with the value and price thereof so sworn to or affirmed; and if upon such view and examination it shall appear, that such goods or merchandizes are not valued by such oath or affirmation, according to the true value and price thereof, according to the true intent and meaning hereof, that then and in such case the importer or proprietor shall on demand made in writing by the customer or collector and comptroller of the port where such goods or merchandizes are entred, deliver or cause to be delivered, all such goods and merchandizes into his Majesty's warehouse at the port of importation, for the use and benefit of the crown; and, upon such delivery, the customer

customer or collector of such port, with the privy of the comptroller, shall, out of any money in the hands of such customer or collector, arising by customs or other duties belonging to the crown, pay to such importer or proprietor, the value of such goods and merchandizes so sworn to or affirmed, for the said old subsidy as aforesaid, together with an addition of the customs and other duties paid for such goods, and of ten pounds per centum to such value, taking a receipt for the same from such importer or proprietor, in full satisfaction for the said goods, as if they had been regularly sold; and the respective commissioners of the customs shall cause the said goods to be fairly and publicly sold for the best advantage, and out of the produce thereof, the money so paid or advanced as aforesaid, shall be repaid to such customer or collector, with the privy of the comptroller, to be replaced to such funds from whence the same was borrowed, and the overplus (if any) shall be paid into his Majesty's exchequer, towards the sinking fund, by the title of unrated goods imported undervalued.

C A P. VIII.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty five; and for transferring the deficiency of a late malt act to this act; and for explaining a late act in relation to stamp-duties on news-papers; and for appropriating the supplies granted in this session of parliament; and for disposing certain overplus money to proper objects of charity; and for making forth duplicates of exchequer-bills, lottery-tickets and orders, lost, burnt or otherwise destroyed; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts.

Clause relating to news papers.
19 Ann. c. 19.

XIII. **A**ND whereas by an act of parliament, made in the tenth year of the reign of her late majesty Queen Anne, it is (amongst other things) enacted, that the following duties should be paid on all books and papers commonly called pamphlets; and for and upon all printed news-papers or papers containing publick news, intelligence or occurrences (that is to say) for every pamphlet or paper contained in half a sheet, or in any lesser piece of paper printed, the sum of one half-penny; and for every pamphlet or paper being larger than half a sheet, and not exceeding one whole sheet, one penny; and for every pamphlet or paper, being larger than one whole sheet, and not exceeding six sheets in octavo, or in a lesser page, and not exceeding twelve sheets in quarto, or twenty sheets in folio, a duty after the rate of two shillings for every sheet of any kind of paper which shall be contained in one printed copy thereof, as by the said recited act, relation being thereunto had, may more fully and at large appear;
and

and whereas the authors or printers of several journals, mercuries and other news-papers, do, with an intent to defeat the aforesaid payments, and in defraud of the crown, so contrive as to print their said journals and news-papers on one sheet and a half-sheet of paper each, and by that means they neither pay the aforesaid duties of one penny for each sheet, nor a half-penny for the half-sheet, as by law they ought to do, but enter them as pamphlets, and pay only three shillings for each impression thereof, whereby his Majesty hath been much injured in his revenue, and the printers of other news-papers, who do regularly pay the said duties, are great sufferers thereby: for remedy whereof, it is hereby enacted and declared, That such journals, mercuries and news-papers, so printed on one sheet and half-sheet of paper, shall not for the future be deemed or taken as pamphlets, to be entred and to pay only three shillings for each impression thereof

News papers
not to pay as
pamphlets.

XIV. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of April one thousand seven hundred and twenty five, the following duties shall be paid to his Majesty, his heirs and successors, upon every journal, mercury or other publick news-paper, which shall be printed and published in Great Britain, during the term mentioned in the said recited act, or any other act or acts of parliament, by which the duties aforesaid are granted or continued, (that is to say) for every sheet of paper, on which any journal, mercury or other news-paper whatsoever, shall be printed, a duty of one penny sterling, and for every half-sheet thereof, the sum of one half-penny sterling; any thing in the said recited act, or any other act of parliament, to the contrary thereof in any wise notwithstanding.

After 25 A-
pril 1725, the
rates on news
papers,

XV. And it is hereby further enacted, That the said duties shall be levied, collected and paid in the same manner, and subject to the same directions, penalties and forfeitures, appropriations and redemptions as are mentioned and contained in the aforesaid act of the tenth year of the reign of her late Majesty Queen Anne, or any other act of parliament relating to the duties thereby granted.

How to be
raised.

10 Ann. c. 19.

XVI. Provided always, and be it enacted by the authority aforesaid, That all monies lent and to be lent to his Majesty upon one act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and twenty five*; and so much money (if any such be) of the tax thereby granted, as shall arise and remain after all the loans made or to be made on the same act, or thereby transferr'd, or directed to be transferr'd thereunto, and all the interest thereof, and the charges thereby allowable for raising the said land-tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the money lent or to be lent to his Majesty, by virtue of this present act, and so much of the duties on malt, mum, cyder and perry, thereby granted or continued, as shall arise or remain (if any such be) after all the loans

11 Geo. 1. c. 7.

Application of
the monies
granted this
session, viz.

hereby

57,953l. 5s.
9d. 2q. for the
general fund.

hereby directed to be made, and all the interest thereof, and the charges thereby allowable for raising the same duties, shall be satisfied, or money sufficient shall be reserved to discharge the same; and the sum of thirteen thousand and ten pounds seven shillings and two pence three farthings, remaining in the receipt of his Majesty's exchequer, or arrears of former land taxes, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents and purposes herein expressed, subject nevertheless to such restrictions as are herein after prescribed, (that is to say;) it is hereby enacted and declared, That out of all or any the aids or supplies aforesaid there shall and may be issued and applied any sum not exceeding fifty seven thousand nine hundred fifty three pounds five shillings and nine pence half-penny, to make good the deficiency of the fund, commonly called the general fund, for raising seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and twenty four.

734,295l. 14s.
9d. for the
navy.

XVII. And it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seven hundred thirty four thousand two hundred ninety five pounds fourteen shillings and nine pence, for or towards the naval services herein after more particularly expressed, (that is to say) for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea-officers, and for and towards victual, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea-services in the office of ordnance, performed and to be performed, and for or towards other sea-services of the navy, performed and to be performed.

80,080l. 11s.
10d. for the
ordnance for
land-service.

XVIII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding eighty thousand and eighty pounds eleven shillings and ten pence, for or towards defraying the charge of the office of his Majesty's ordnance for land-services, performed and to be performed, and for defraying several extraordinary expences of the office of ordnance for land-services, not provided for by parliament.

912,968l. 2s.
8d. 1q. for
land-forces,
&c.

XIX. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall or may be issued and applied any sum or sums of money, not exceeding in the whole the sum of nine hundred and twelve thousand nine hundred sixty eight pounds two shillings and eight pence farthing, for or towards maintaining his Majesty's land-forces, and other services herein after more particularly expressed; that is to say, any sum, not exceeding six hundred fifty four thousand four hundred eighty eight pounds seventeen shillings and eight pence, for defraying the charge of eighteen thousand two hundred sixty four effective men, including commission and non-com-

commission officers and invalids, for guards, garrisons and other his Majesty's land-forces in *Great Britain, Jersey and Guernsey*, and other services relating to the forces for the year one thousand seven hundred twenty five; and any sum or sums of money not exceeding one hundred fifty two thousand six hundred thirty seven pounds sixteen shillings and five pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca and Gibraltar*, and for provisions for the garrisons of *Annapolis Royal, Placentia and Gibraltar* for the year one thousand seven hundred and twenty five; and any sum and sums of money not exceeding twelve thousand pounds, upon account for out-pensioners of *Chelsea* hospital for the year one thousand seven hundred twenty five; and any sum and sums of money not exceeding sixteen thousand eight hundred forty one pounds eight shillings and six pence three farthings, for defraying several extraordinary expences and services incurred, and not provided for by parliament, on account of provisions for the garrison of *Gibraltar*, and for a loss by bills of exchange drawn by *Moses Beranger* in the year one thousand seven hundred twenty one, for remitting subsistence to his Majesty's forces in *Minorca and Gibraltar*, which were returned protested, and on account of what is due to the garrison of *Placentia*, and the four late independent companies of that garrison, between the twenty fourth day of *April* one thousand seven hundred and thirteen, and the twenty fourth day of *August* one thousand seven hundred and seventeen, when the said companies were regimented; and any sum and sums of money not exceeding seventy seven thousand pounds, upon account of half-pay to the reduced officers of his Majesty's land-forces and marines, for the year one thousand seven hundred twenty five, subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum and sums of money not exceeding thirty seven thousand nine hundred thirty one pounds nine shillings and ten pence halfpenny, towards making good the deficiency of the grants for the service of the year one thousand seven hundred twenty four.

Surplus of this sum, appropriated. 12 Geo. 1. c. 12. f. 35.

XX. And be it enacted, That the said aids or supplies provided as aforesaid, shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies before directed to be satisfied out of the said loans, by any particular clause or clauses for that purpose contained in this act, or in the said act of this present session of parliament, for granting an aid to his Majesty by a land tax.

Not to be applied to other uses.

XXI. And as to the said sum of seventy seven thousand pounds by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor under the age of sixteen years at the time when the regiment, troop or company

Rules to be observed in application of the half-pay.

pany in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the half-pay: that no chaplain of any garrison or regiment, who has any ecclesiastical benefice, or other preferment in *Great Britain or Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since; that no part of the same shall be allowed to any persons, by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same, as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

The overplus,
how to be dis-
posed of.
10 Geo. 1, c. 2.

XXII. *And whereas by an act of parliament made in the tenth year of his Majesty's reign, for continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery for the service of the year one thousand seven hundred twenty four, and for other purposes therein expressed, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, among which any sum or sums not exceeding the sum of seventy nine thousand pounds, upon account of half-pay for the year one thousand seven hundred and twenty four, was appropriated to be paid to the reduced officers of his Majesty's land-forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of seventy nine thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the aforesaid act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed to such officers who were maimed or lost their limbs in the late wars, or to such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act, to the contrary notwithstanding.*

Clause touching lost bills, tickets or orders, &c. Further time given for payment of the duties on money given with apprentices. EXP.

C A P. IX.

An act for continuing the several annuities of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence halfpenny, and one hundred thousand pounds to the bank of England, until Midsummer one thousand seven hundred twenty seven; and from thence, for reducing the same to seventy one thousand and one pounds two shillings and three pence three farthings, and eighty thousand pounds, redeemable by parliament; and for preventing the uttering of forged, counterfeited or erased bank-bills or notes.

Most gracious Sovereign,

WHEREAS by an act of parliament, made and passed in the 7th Ann^x, c. 7. seventh year of the reign of her late majesty Queen Anne, (of blessed memory) intituled, An act for enlarging the capital stock of the bank of England; and for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and nine; the governor and company of the bank of England were obliged, in the manner therein mentioned, to deliver up to be cancelled certain exchequer-bills, which had been made forth by a former act of parliament in that behalf; which bills, with interest thereupon, were computed to amount to seventeen hundred seventy-five thousand twenty seven pounds seventeen shillings and ten pence halfpenny; and to the end the said governor and company of the bank of England, and their successors, might have a competent recompence and consideration for so doing, and for all their demands relating thereto, it was by the said act of the seventh year of her said late Majesty's reign enacted, that from and after the feast of Saint Michael the Archangel in the year of our Lord one thousand seven hundred and ten, the said governor and company of the bank of England, and their successors, should have, receive and enjoy one annuity or yearly sum of one hundred and six thousand and five hundred and one pounds thirteen shillings and five pence, out of such duties on houses as are therein mentioned: but it was thereby provided and enacted, That at any time, upon one year's notice to the said governor and company of the bank of England, or their successors, and upon full payment to them of the said sum of one million seven hundred seventy five thousand twenty seven pounds seventeen shillings and ten pence halfpenny, and of all arrears of the said annuity of one hundred and six thousand five hundred and one pounds thirteen shillings and five pence per annum, (if any should be then due) then, and not till then, the said annuity of one hundred and six thousand five hundred and one pounds thirteen shillings and five pence per annum, should cease and determine; and then also the said duties on houses should be understood to be redeemed by parliament, and should not be issued, paid or applied to any use or purpose whatsoever, but by the authority of parliament: and whereas in an act of parliament, made and passed in the third year of your Majesty's reign, intituled, An act for redeeming fe-
Geo. 1. c. 8.
veral

veral funds of the governor and company of the bank of *England*, pursuant to former provisos of redemption; and for securing to them several new funds and allowances redeemable by parliament; and for obliging them to advance further sums not exceeding two millions five hundred thousand pounds, at five pounds *per centum per annum*, as shall be found necessary to be employed in lessening the national debts and incumbrances; and for continuing certain provisions formerly made for the expence of your Majesty's civil government; and for payment of annuities formerly purchased at the rate of five pounds *per centum*; and for other purposes in the said act mentioned, reciting, that the said governor and company of the bank of *England*, in regard the common rate of interest-money was very much lessened under your Majesty's most auspicious government, and that several of the funds of the said governor and company of the bank of *England*, in the said act mentioned, were redeemable at such times, and in such manner, as in the said act are particularly set forth; and that they the said governor and company were willing and contented to accept one annuity of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence halfpenny, being after the rate of five pounds *per centum per annum*, on the said principal sum of one million seven hundred seventy five thousand twenty seven pounds seventeen shillings and ten pence halfpenny, in lieu of their then present annuity or sum of one hundred and six thousand five hundred and one pounds thirteen shillings and five pence *per annum*; and that the said governor and company were also willing and contented to discharge and deliver up to be cancelled, as many of the exchequer-bills, formerly made forth, as amounted to two millions in principal money, and to accept an annuity or sum of one hundred thousand pounds *per annum*, being after the rate of five pounds *per centum per annum*, for the same: it was in and by the said act of the third year of your Majesty's reign enacted, That the said governor and company of the bank of *England*, and their successors, should have, receive and enjoy the said annuity or yearly sum of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence halfpenny, in respect of the said principal sum of one million seven hundred seventy five thousand twenty seven pounds seventeen shillings and ten pence halfpenny; which annual or yearly sum of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence halfpenny, was thereby charged upon, and made payable from time to time, out of all the monies arisen or to arise, at the receipt of your Majesty's exchequer, of or for the particular duties on houses therein mentioned, and of or for the said duties and revenues, commonly called the aggregate fund, and every or any of them, and was to be paid to the said governor and company of the bank of *England*, and their successors for ever, from the feast of the nativity of Saint John Baptist one thousand seven hundred and eighteen, at the four most usual feasts or days of payment in the year, by even and equal portions; all which payments were to be made in such manner and form, and with such preference as are in the said act prescribed in that behalf: but it was thereby also provided and enacted, That upon one year's notice to be given at the said feast of the nativity of

Saints

Saint John Baptist one thousand seven hundred and eighteen, or any quarterly feast-day after; and upon repayment by parliament, to the said governor and company of the bank of England, or their successors, of the said sum of one million seven hundred seventy five thousand twenty seven pounds seventeen shillings and ten pence halfpenny, and of all arrears of the said annuity of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence oalspenny per annum, (if any should be then due) then, and not till then, the said annuity of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence halfpenny per annum, should cease and determine; and in and by the said act it was further provided and enacted, That the said governor and company of the bank of England should, on or before the twenty fifth day of December one thousand seven hundred and seventeen, deliver up as many exchequer-bills formerly made forth (then being uncanceled and undischarged) as amounted to the sum of two millions in principal money, to such person or persons as the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, should nominate, to be discharged, cancelled and made void; and that, from and after the feast of the birth of our Lord Christ one thousand seven hundred and seventeen, the said governor and company of the bank of England, and their successors for ever, should have, receive and enjoy one annuity or yearly sum of one hundred thousand pounds, being after the rate of five pounds per centum per annum, computed upon the said principal sum of two millions; which yearly sum of one hundred thousand pounds was thereby charged upon and made payable, from time to time, out of all the monies arising or to arise at the receipt of your Majesty's exchequer, as well of or for the said several duties, revenues and incomes, called the aggregate fund aforesaid, as of or for the said particular duties on houses, and was to be paid at such times, and in such manner and form, and with such preference as are in the said act prescribed in that behalf: and it is by the said act also enacted and provided, That at any time, upon one year's notice to be given at the feast of the birth of our Lord Christ one thousand seven hundred and seventeen, or any quarterly feast-day after, and not before, and upon repayment by parliament to the said governor and company of the bank of England, or their successors, of the said sum of two millions, and of all arrearages of the said yearly sum of one hundred thousand pounds (if any should be due at the time of such payments) then, and not till then, the said annuity of one hundred thousand pounds per annum should cease and determine, as in and by the said act it doth and may more fully and at large appear: and whereas, pursuant to the said act, and the provisions therein contained, the said governor and company of the bank of England did, on or before the twenty fifth day of December one thousand seven hundred and seventeen, deliver up as many of the said exchequer-bills as amounted to the said sum of two millions in principal money, and the same were discharged, cancelled and made void; and they the said governor and company of the bank of England have, ever since the said feast of the birth of our Lord Christ one thousand seven hundred and seventeen, received and enjoyed the said annuity or yearly sum of one hundred thousand

- thousand pounds, and are still entitled unto the same: and whereas in*
 5 Geo. 1. c. 3. *and by one other act of parliament made in the fifth year of your Ma-*
jesty's reign, intituled, An act for applying certain overplus mo-
nies, and further sums to be raised, as well by way of a lottery
as by loans, towards paying off and cancelling exchequer-bills,
and for lessening the present great charge in relation to those
bills, and for circulating and exchanging for ready money the
residue of the same bills for the future, it is amongst divers other
matters and things enacted and declared, That all the said particular
 5 Geo. 1. c. 2. *duties on houses, and all the said other rates, duties, revenues and in-*
comes, which by the said act of the third year of your Majesty's reign
were settled for answering the respective payments therein mentioned
(and which are denominated to be the aggregate fund) and every of
them should be continued, and be paid and payable to your Majesty,
your heirs and successors for ever, and that all the monies of the said
duties, revenues and incomes, which should or ought to be brought in-
to the receipt of the exchequer, (except the necessary charges of raising,
collecting, levying, issuing, paying and accounting for the same) should
be and are hereby appropriated, and should be issued and applied to and
for the repayment and satisfaction of several yearly and other sums in
the said act particularly expressed, in the due course, and with such
preferentes as are thereby appointed, amongst which payments an ex-
press provision is made for payment of the said several and respective
annuities of eighty eight thousand seven hundred fifty one pounds seven
shillings and ten pence halfpenny, and one hundred thousand pounds
per annum; and it was thereby enacted, That the said several an-
nuities, and either of them, should severally and respectively be re-
deemable upon such payments, and in such manner and form as in and
by the respective provisions contained in the recited act of the third
year of your Majesty's reign, are prescribed for the redemption there-
of: and whereas due notice was given by the right honourable Spen-
cer Compton, esquire, speaker of the house of commons, to the said
governor and company of the bank of England; for paying of the
said principal sum of one million seven hundred seventy five thousand
twenty seven pounds seventeen shillings and ten pence halfpenny, and
for redeeming the said annuity of eighty eight thousand seven hundred
fifty one pounds seven shillings and ten pence halfpenny, attending
thereon, at the feast of the nativity of Saint John Baptist which shall
be in the year of our Lord one thousand seven hundred and twenty
five, and pursuant to the said notice, the same is redeemable accord-
ingly: and whereas the governor and company of the bank of Eng-
land have agreed and consented, That in case they may be permitted
to enjoy the said annuities of eighty eight thousand seven hundred fifty
one pounds seven shillings and ten pence halfpenny, and one hundred
thousand pounds, until the feast of the nativity of Saint John Bap-
tist which shall be in the year of our Lord one thousand seven hundred
and twenty seven; that from and after the said feast-day not only
their said annuity of eighty eight thousand seven hundred fifty one
pounds seven shillings and ten pence halfpenny, but also their annuity
 Further provi-
 sions relating
 thereto, 1 Geo.
 2. stat. 2. c. 8.
 f. 23.
 2 Geo. 2. c. 3. *of one hundred thousand pounds per annum, upon the respective sums*
of one million seven hundred seventy five thousand twenty seven pounds
seventeen

Seventeen shillings and ten pence halfpenny, and two millions, shall be actually reduced to four pounds per centum per annum, and be likewise from thenceforth redeemable by parliament: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to have the publick debts and incumbrances lessened and discharged as fast as conveniently may be, with regard to justice and the publick faith, do humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the feast of the nativity of Saint *John Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty seven, the said respective annuities aforesaid shall cease and determine; and the said governor and company of the bank of *England*, and their successors (subject nevertheless to the proviso and power of redemption hereafter in this act contained in that behalf, and none other) shall have, receive and enjoy, in lieu of the respective annuities aforesaid, one annuity or yearly sum of seventy one thousand and one pounds two shillings and three pence three farthings, in respect of the said principal sum of one million seven hundred seventy five thousand and twenty seven pounds seventeen shillings and ten pence halfpenny, and one other annuity or yearly sum of eighty thousand pounds, in respect of the said principal sum of two millions; which said several and respective annual or yearly sums of seventy one thousand and one pounds two shillings and three pence three farthings, and eighty thousand pounds, shall be and are hereby charged upon and shall be paid and payable, from time to time, out of all the monies arisen, or to arise, at the said receipt of the exchequer, of or for the said particular duties on houses aforesaid, and of and for the duties and revenues called the aggregate fund, and every or any of them; and shall be paid and payable to the said governor and company of the bank of *England*, and their successors for ever, from the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, at the four most usual feasts or days of payment in the year, by even and equal portions; all which payments shall also be made in such manner and form, and on such conditions, and with such preference, as are in the said act prescribed and directed, in relation to the said several annuities of eighty eight thousand seven hundred fifty one pounds seven shillings and ten pence halfpenny, and one hundred thousand pounds *per annum* respectively.

II. Provided always, and it is hereby enacted, That upon repayment by parliament to the said governor and company of the bank of *England*, and their successors, of the said several and respective principal sums of one million, seven hundred seventy five thousand twenty seven pounds seventeen shillings and ten pence halfpenny, and two millions, without any deduction, discount or abatement whatsoever to be made out of the same,

After 24 June
1727, annuities
to the bank of
88,751. 7 s.
10 d. 2 q. and
100,000 l. to be
reduced to
71,001 l. 2 s.
3 d. 3 q. and
80,000 l.

On repayment
annuities to
cease.
Redeemed
2 Geo. 2. c. 3.

or any part thereof, and of all arrears of the said respective annuities of seventy one thousand and one pounds two shillings and three pence three farthings, and eighty thousand pounds *per annum*, (if any such shall be then due) then, and not till then, the said several and respective annuities of seventy one thousand and one pounds two shillings and three pence three farthings and eighty thousand pounds, or either of them which shall be so redeemed, shall from thenceforth cease and determine; any former act or acts of parliament, or any provisoes, matters or things therein contained, or any other matter or thing whatsoever to the contrary notwithstanding.

As any part of the principal sums are paid off, a proportional part of the annuities to be abated.

III. *And in regard it is intended that the said annuities may be satisfied by any payments, not being less than five hundred thousand pounds of lawful money of Great Britain at a time, and that as the said principal money shall be paid off, the said debt and annuities shall proportionally sink and be abated;* be it therefore provided and enacted by the authority aforesaid, That if at any time or times payment be made of any sum or sums of money, (not being less than five hundred thousand pounds at a time,) in part for the respective principal sums, for which the said annuities shall be payable as aforesaid, and also if payment be made of all arrearages then due to them, of the same annuities, or so much of those arrearages, as shall bear a proportion to the principal monies from time to time remaining unsatisfied, being computed till the time of every such payment of part of the principal respectively, then from and after every such payment so made, so much of the said annuities, as shall bear proportion to the monies so paid in part of the said principal, shall cease, determine and be abated; any thing in this, or in any former act or acts of parliament to the contrary notwithstanding.

These annuities personal estates.

IV. And it is hereby enacted by the authority aforesaid, That the said annuities, or sums of seventy one thousand and one pounds two shillings and three pence three farthings, and eighty thousand pounds, and either of them, shall be deemed and adjudged to be personal estates, and the same, and the stock and stocks, which the said governor and company of the bank of *England*, now have, or are entitled unto, as also all such stock or stocks, which the said governor and company shall or may be entitled unto by virtue of this act, and also the principal sums and annuities payable to the said governor and company, for or in respect of any such stock or stocks, are and shall by virtue of this act be clear and free, and freed and discharged of and from all taxes, charges and publick impositions whatsoever, charged or to be charged thereupon, and shall not be liable to any foreign attachments; any law, custom or usage to the contrary notwithstanding.

Powers of former acts continued, &c.

V. And be it further enacted by the authority aforesaid, That the said former acts above recited or mentioned, and all the powers, authorities, privileges and advantages, rules, directions, pains, penalties and forfeitures, clauses, matters and things therein contained, being now in force (such alterations as

are

are therein made by this act only excepted) shall continue and be used, exercised, inflicted, applied and put in practice and execution, as fully as if the said powers, authorities, privileges and advantages, rules, directions, pains, penalties and forfeitures, clauses, matters and things, were again repeated and re-enacted in the body of this present act; and that the said governor and company of the bank of *England*, and their successors, shall continue to be a corporation, and shall enjoy the several annuities or sums of seventy one thousand and one pounds two shillings and three pence three farthings, and eighty thousand pounds, till they respectively shall be redeemed as aforesaid; and shall enjoy all such capacities, powers, privileges and advantages, to the said governor and company of the bank of *England*, as a corporation belonging, until the said annuities or yearly sums shall be redeemed (according to the proviso in this act contained concerning the same) freed and discharged of and from all former and other provisos and powers of redemption whatsoever, for redeeming the said duties or revenues called the aggregate fund, or the said duties on houses, or any of them; any former act or statute; or any clause, matter or thing in this act contained to the contrary notwithstanding.

VI. *And whereas of late divers frauds and deceits have been put upon the said governor and company of the bank of England, and other persons, by the altering, forging and counterfeiting of the bank-bills, and bank-notes of the said governor and company, and by the erasing and altering the said bills and notes, and the endorsements thereupon, and by the tendering in payment, uttering, vending, exchanging and bartering, of such altered, forged, counterfeited and erased bills and notes, and the endorsements thereupon, to the prejudice of publick credit, and to the great hurt and diminution of trade and commerce; for redressing whereof for the future, be it enacted by the authority aforesaid, That if any person or persons shall alter, forge or counterfeit any bank-bill or bank-note, made or given out for the payment of any sum of money, by or for the said governor and company, or any bank-note of any sort whatsoever, or shall erase or alter any such bill or note, or any endorsement thereupon, or shall tender in payment, utter, vend, exchange or barter, any such altered, forged or counterfeited bill or note, or any erased or altered bill or note, or the endorsement thereupon, or demand to have the same exchanged for ready money by the said governor and company, or their successors, or any other person or persons (knowing such bill or note, or the endorsement thereupon, so tendered or demanded to be exchanged, vended or bartered, to be altered, forged, counterfeited or erased) and with intention to defraud the said governor and company, or their successors, or any other person or persons, body politick or corporate; then every such person or persons so offending, (being thereof lawfully convicted) shall be, and is hereby declared and adjudged a felon, and shall suffer as in cases of felony.*

Forging, &c.
bank-bills or
notes, felony.

CAP. X.

An act to enable the justices of the peace for the east-riding of the county of York, to take down the county bridge, called Stanford Bridge, and to build a stone bridge at a more convenient place over the river Darwent in the said riding instead thereof.

Justices of the east-riding Com. Ebor. may take down Stanford bridge, and build a new bridge at a more convenient place, to be the county bridge. Justices may tax the inhabitants thereto. Justices may sell the materials of the old bridge. May purchase ground for making a new road to the new bridge. Taxes not to exceed 4d. per pound.

CAP. XI.

An act for repairing the roads therein mentioned, from the parish of Enfield in the county of Middlesex, to the town of Hertford, and to the great bridge in Ware in the county of Hertford.

The tolls granted by this act, took place from the third of May 1725. and to continue for 21 years. *Continued and enlarged* 6 Geo. 2. c. 15.

CAP. XII.

An act for incorporating the executors of the last will and testament of Thomas Guy, late of the city of London, esq; deceased, and others, in order to the better management and disposition of the charities given by his said last will.

Reciting the last will of Thomas Guy, esquire.

WHEREAS Thomas Guy, late of the city of London, esquire, deceased, having in his life-time, at his own costs and charges, erected in the parish of St. Thomas in Southwark, one new large building, consisting of two squares, with several other proper edifices therunto adjoining or belonging, did on the twenty seventh day of December in the year of our Lord one thousand seven hundred and twenty four, depart this life, having duly made and executed his last will and testament, bearing date the fourth day of September before the said day of his decease, and in and by his said last will and testament, did give, devise and bequeath, all the rest and residue of his estate whatsoever and wheresoever, both real and personal, after the payment of his debts, legacies and funeral charges therein mentioned, and subject to the payment of several annuities and yearly sums therein bequeathed (which said residuary part of the said testator's estate, is computed by the executors of his said will, to be of the value of two hundred thousand pounds and upwards) unto Sir Gregory Page, baronet, Charles Joye and William Clayton, esquires, Mr. Thomas Hollis, Junior, John Kenrick and John Lade, esquires, Dr. Richard Mead, Moses Raper, esquire, and Mr. John Sprint, governors of the present hospital of St. Thomas, their heirs, executors, administrators and assigns respectively, upon the trust, and for such uses, intents and purposes, as are therein directed and appointed, and did thereby likewise ordain, constitute and appoint the said Sir Gregory Page, baronet, Charles Joye and William Clayton, esquires, Mr. Thomas Hollis, Junior, John Kenrick and John Lade, esquires, Dr. Richard Mead, Moses Raper, esquire, and Mr. John Sprint, executors of his said last will, on trust as aforesaid, and did thereby declare his mind and will to be, That until such incorporation by letters patent, or act of parliament, as is therein directed, could be obtained and take effect, his said executors, and therein last mentioned trustees, their heirs,

, executors, administrators and assigns, and afterwards such corporations, out of the Residuum of his estate, or the rents, interests, or profits thereof, carry on, erect, finish, and fit up, the two new square buildings in Southwark, by him then sometime since began, and intended for an hospital for reception of such sick persons as are therein affectioned, and such other erections, offices and buildings, as should, in opinion of his said executors and trustees, be for that purpose necessary; and also provide and furnish the same with beds, and all conveniencies, for the reception of, and receive and entertain there-our hundred poor persons, or upwards, labouring under any distempers, infirmities or disorders, thought capable of relief by physick or surgery, but who by reason of the small hopes there might be of their cure, or the length of time, which for that purpose might be required or thought necessary, were or might be adjudged or called incurable, and such, not proper objects to be received into, or continued in the present hospital of St. Thomas, or other hospitals, in and by which no provision has been made for distempers deemed or called incurable, (of whom he reserves his mind to be, that they receive and entertain lunaticks, adjudged or called as aforesaid incurable, not exceeding twenty in number at one time) such poor persons to be chosen and appointed by his said executors and trustees, out of such patients and persons, who shall be discharged of the hospital of St. Thomas or Bethlehem, or other hospitals, on account of the small hopes of their cure, or the great length of time for that purpose required or thought necessary, and on such or any other accounts, as shall be deemed or called incurable, and not fit to be continued in the said hospital of St. Thomas or Bethlehem, or other hospitals, or such other poor sick persons or lunaticks, as under such or the like circumstances, should apply to his said executors and trustees for relief, at the discretion and pleasure of his said executors and trustees, to whom he submits the several species and kinds of sick persons deemed or called incurable, who shall be admitted into the said intended hospital; and has further thereby directed, that his said executors and trustees should provide suitable and proper diet, physic, and all other necessaries, for the maintenance, relief or cure of such persons during their lives, or for so long time as his said executors and trustees should think fit to continue them under their care in the said intended hospital; and hath thereby further declared his mind and will to be, that such poor sick persons received into, and entertained in the said intended hospital, should be subject at all times to his said executors and trustees, and to such rules and orders as they should think fit to make for their behaviour in the said intended hospital, and liable to be expelled thence and removed at the pleasure of his said executors and trustees, as other like sick persons admitted and entertained in their room; and he further declares his mind and will to be, that if his said executors and trustees should not find cause, or should on any account whatsoever think fit to keep all, or great part of the beds or wards in the intended hospital, filled and supplied with sick persons deemed or called incurable, it should be lawful for them to cause any number of the beds or wards to be filled and made use of in like manner, and with such patients, as the beds in the hospital of St. Thomas are ordinarily filled for; all which patients so to be received and taken in from time to time into the said intended hospital as incurable or otherwise, he hath declared his mind to be, that his said executors and trustees should provide such things, as near as might be, according to the course, customs and practice of late years prevailing and practised in the said present hospital of

St. Thomas; and he hath thereby further declared his mind and will to be, and for the better and more regular disposition and management of the affairs and business of the said intended hospital, and for perpetuating the charity thereby intended, and the provision for the same, he hath thereby ordered and appointed, and earnestly desired and entreated his said executors and trustees, forthwith after his decease, by humble application to his Majesty, or to the legislature, to endeavour to obtain letters patent under the great seal, or an act of parliament, incorporating his said executors and last named trustees, together with Mr. Benjamin Braine, senior, Mr. Thomas Clark, William Cole, esquire, doctor Thomas Crow, Doctor Francis Fauquier, Mr. Joshua Gee, Mr. Matthew Howard, Doctor Edward Hulfe, Mr. Samuel Lessingham, Mr. Henry Lovell, Mr. Samuel Monk, Mr. Joseph Paice, senior, Mr. Daniel Powle, Mr. Thomas Styles, senior, and also Robert Atwood, Robert Bristow and Jonathan Blackwell, esquires, Mr. James Brooks, Deputy Richard Chauncey, Richard Chiswell, esquire, Deputy John Carbonnel, William Dawson and Richard Ducane, esquires, Sir Peter Eaton and Sir Nathaniel Gould, knights, Thomas Gearing and Peter Godfrey, esquires, Mr. Nathaniel Garland, Mr. John Gunston, Edmund Halsey, esquire, Mr. Henry Hankey, Mr. Thomas Hucks, Mr. William King, Mr. James Lamb, Mr. James Leaver, Mr. Percival Lewis, Captain Daniel Locke, John London, esquire, Thomas Malyn junior, and Nathaniel Micklethwaite, esquires, Mr. Samuel Mayo, Mr. Thomas Martin, Mr. Francis Moulst, Mr. Josiah Nicholson, Mr. Nathaniel Newnham, Jeremiah Sambrooke, esquire, Mr. Samuel Sheafe, John Smith, esquire, Sir John Tash, knight, Peter Theobalds, esquires, and Mr. James Townshend, of Cheapside, (the said gentlemen being then all governors of the present hospital of St. Thomas) or so many of the said gentlemen, as should be living at the time of procuring such intended corporation, and willing to become members thereof, and so many other gentlemen, governors, or reputed governors of the present hospital of St. Thomas, or others, by his said executors, or the major part of them to be appointed, as together with his said executors and other the gentlemen above named, shall make up the number of fifty at the least, and not exceed sixty, and their successors, in manner by such letters patent or act of parliament directed and expressed, to be from time to time elected and admitted members of such intended corporation, into one distinct and separate body politic or corporate, with perpetual succession, for the better managing and governing of the said intended hospital, and for the better settling and applying the said residue of his estate for such uses as aforesaid, and for such other and further uses as are therein after appointed, with a president and treasurer, and such other officers of the said intended corporation, as by his said executors should be thought necessary or convenient in such letters patent or act of parliament to be named and appointed, and in manner therein directed, to be from time to time for ever thereafter successively into such respective offices elected and admitted, by such name or names, as to his Majesty or the legislature should seem proper, and by such name or names to have perpetual succession, with power to have and use a separate and distinct common seal for the necessary affairs of the said intended corporation, and with power by such name or names as aforesaid, to have, hold, take, enjoy, alien, transfer, and dispose of the said thereby before devised residuary part of his estate, and therewith or with any part thereof, to purchase, take and enjoy messuages, lands, tenements, fees, farms, rents, or other estates of inheritance, for perpetuity or otherwise, and to



the value of the said residuary part of his estate, or to such further or other yearly value, as to his said Majesty or the legislature should seem convenient, and with power and capacity in law to sue and be sued, to implead and be impleaded, answer and be answered unto by such name or names as aforesaid, in any court or courts of record, or elsewhere, and with such other powers, privileges and capacities in law, as to his Majesty or the legislature should seem meet to be granted; and declared his mind and will to be, and further desired his said executors and last named trustees, by such humble application as aforesaid, to his Majesty or the legislature, to endeavour to obtain and procure that by such letters patent or act of parliament as aforesaid, a committee be appointed of one and twenty of the members of such intended corporation, for the more constant and ordinary management and application of the said residuary part of his estate, and of the charity thereby intended, to which committee, or to such number of them as should be thought convenient, when convened and assembled, by and with the president and treasurer of the said intended corporation, or one of them, he hath declared his will and desire to be, That his said executors and trustees, by such letters patent or act of parliament as aforesaid, endeavour to have granted and appointed such powers as may enable them in the most effectual manner to manage, settle and apply the said residuary part of his estate, and the rents, interests, dividends or other profits or produce thereof, to such uses as by his said last will are directed and appointed; and that by such letters patent or act of parliament it might be provided, that seven of the said committee of one and twenty, or one third part thereof at the least, may yearly and every year go out of and be excluded their respective places, as members of the said committee, by the appointment of a general court or assembly of the members of the said intended corporation, to be assembled and convened by the president or treasurer of such intended corporation, yearly and every year, at a time or times in such letters patent or act of parliament to be appointed; and that for that purpose at such general court or assembly as aforesaid, fourteen of the members of the said committee, for the year next preceding such general court or assembly, be first elected and chosen members of the said committee for the year then next ensuing, and seven other persons out of fourteen of the members of the said intended corporation, who were not members of the said committee for the year then next preceding, to be first nominated by the said committee for the year next preceding, be by and at such general court and assembly as aforesaid, elected and appointed members of the said committee for the year then next ensuing such election; and that in and by such letters patent or act of parliament it be further provided and appointed, that the management and accounts of the said committee of one and twenty, be from time to time subject to the approbation or disallowance of a general court or assembly of the members or governors of such intended corporation, to be from time to time convened and summoned by proper and convenient notice, by the president or treasurer of such intended corporation for the time being; and did further declare his mind, will and desire to be, that his executors, by like humble application as aforesaid, should endeavour to procure and obtain, that by such letters patent or act of parliament as aforesaid, the said Sir Gregory Page, baronet, be appointed the first president of the said intended corporation, and the said Charles Joye, esquire, the first treasurer thereof, and the said William Clayton, esquire, Mr. Thomas Hollis, senior, John Kenrick and John Lade, esquires, Doctor Richard Mead, Moses Raper, esquire, and Mr. John Sprint, and the said Mr.

Benjamin Braine, *senior*, Mr. Thomas Clarke, William Cole, *esquire*, Doctor Thomas Crow, Doctor Francis Fauquier, Mr. Joshua Gee, Mr. Matthew Howard, Doctor Edward Hulfe, Mr. Samuel Lessingham, Mr. Henry Lovell, Mr. Samuel Monk, Mr. Joseph Paice, Mr. Daniel Powle, and Mr. Thomas Styles, be appointed the first members of the said therein before-mentioned and intended committee, for the more constant and ordinary management of the said residuary part of his estate, and charity thereby intended; or in case of the death of any of the gentlemen last above named, or their refusal to accept of the respective trusts thereby intended, as president, treasurer or members of the said committee, then such other fit and able persons to be named and appointed by his said executors, to be president, treasurer and members of the said committee, making up the said number of one and twenty; and that by such letters patent or act of parliament as aforesaid, it be provided and granted, that the future elections of the president and treasurer of the said intended corporation, and also the election of the physicians and surgeons, and of the register, or clerk and solicitor, and of the chaplain to be employed in and about the charity thereby intended, be referred to and reserved for the members and governors of the said intended corporation, or the major part of them in general court assembled as aforesaid, as also their removal, displacing and filling up, and that the offices of the apothecary, steward, matron, cook, sisters, and all other officers to be employed in and about the said intended hospital and charity, be referred to the election of the said intended committee and their successors, and by them, and at their pleasure to be altered, and the respective officers to be removed, displaced, supplied and filled up; and be the said testator hath thereby declared his mind and will further to be, that as soon as such intended corporation can be obtained and take effect, his said executors do forthwith pay, assign, transfer, and in due form of law, convey and make over all the said residuary part of his estate therein before devised to them, or so much thereof as should not have been applied and expended in and about the execution of his said will, to and for the uses thereby directed and appointed, subject to the payment of the several annuities therein before devised, to the said thereby intended corporation and their successors, upon the trusts, and to be by them applied, from time to time, to and for such uses, intents and purposes, as are in his said will for that purpose directed and appointed; and has declared his will further to be, that the said president, treasurer, committee and governors intended to be incorporated as aforesaid, do as soon as the same can be done conveniently, lay out of the surplus of the said residuary part of his personal estate, or so much thereof, as shall not be expended in building, furnishing and fitting up the said two squares of building, or other the necessary charges and disbursements for such purposes, in the purchase of messuages, lands, ground-rents, fee-farm rents, or other estates of inheritance, or the reversion thereof in fee-simple, to the intent that the yearly and other rents and profits of such purchases, together with the rents and profits of the said residuary part of his real estate, be from time to time applied to, and become a perpetual provision for the maintenance and cure of such poor sick persons as are to be received into, and entertained in the said intended hospital, and for defraying and answering all other the constant necessary charges and expences in and about the same; and that until the said residuary part of his personal estate shall be laid out in purchases as aforesaid, the interest, dividends, and other income or profits thereof, be from time to time, applied to such purposes as are before appointed for the application of the rents and profits

fits of such purchases: and be both declared his mind and will further to be, that if it shall appear to the president, treasurer and governors, to be incorporated as aforesaid, that the yearly and other rents and profits of the said residuary part of his real estate, and of the lands, messuages or other estates, to be purchased as aforesaid, shall be more than sufficient to provide for, and answer the maintenance and cure of such poor sick persons, as are thereby directed to be received into, and entertained in the said two new squares of building, and other necessary charges and expences upon or about the said intended hospital, it should be lawful for the said president, treasurer and governors, incorporated as aforesaid, in general court to be assembled, and convened as aforesaid, or the major part of them, to lay out, expend and apply, or direct and empower the said committee to lay out, expend and apply, such surplus of the rents and profits of the said residuary part of his real estate, and of other the messuages, lands, and other estates, to be purchased as aforesaid, to and for the relief of such other poor sick persons, or such other proper objects of compassion, as from time to time, to the said president, treasurer and governors incorporated as aforesaid, should appear most worthy and deserving of pity and relief, or for such other publick and charitable uses and purposes, as they should think convenient, as in and by the said last will and testament, relation being thereunto had, may more fully appear: and whereas the said recited last will and testament of the said Thomas Guy, deceased, hath been since duly proved in the prerogative court of Canterbury, and the administration thereof committed on their application for that purpose, under the seal of that court, to the said above named Charles Joye, John Lade and John Kenrick, esquires; and whereas the said charity deserveth to be promoted and encouraged, and will greatly tend to the honour and good of the publick, and the good and generous intentions of the said testator cannot be so well and fully effected as by an act of parliament, and therefore for the promoting, establishing, making good and effectual the said pious and charitable intentions of the said above named testator, in his said last will expressed; may it please your most excellent Majesty, at the humble petition of your Majesty's most dutiful subjects, the said Sir Gregory Page, Charles Joye, William Clayton, Thomas Hollis, John Kenrick, John Lade, Doctor Richard Mead, Moses Raper and John Sprunt, executors of the said above recited last will and testament of the said Thomas Guy, deceased, that it may be enacted, &c.

The governors in Thomas Guy esquire's last will constituted to be a body corporate, and have a common seal, and enabled to hold the estate of Thomas Guy, esquire, for the use of the hospital; may sue and be sued. There shall be one president and treasurer, and twenty one committees. The president and treasurer to continue till their deaths or removals. New ones to be elected by a general court within 40 days. The committees above named to continue till the second of November next, and for a year after. Committees to be chosen annually, whereof seven to be new ones. If any sale of lands, &c. be made by the corporation, the same to be laid out in some other purchase. At a full court new governors may be elected, but not to exceed sixty. If the governors at any time shall not amount to forty, the lord chancellor, &c. to nominate fit persons to make up the number to fifty. They may make by-laws. President or treasurer to have voices at courts, and on equality of votes, a casting voice. Physicians, &c. to be chosen by a general court. All the estate real and personal vested in the president and governors. The terms and other securities vested in John Lade, &c. still to subsist in trust for the corporation. Executors to state their accounts, and lay them before a full court, &c. President and governors may set up a monument for Thomas Guy, esquire.

CAP. XIII.

An act for repairing and widening the road from Sherbrook-Hill near Buxton and Chapel in the Frith, in the county of Derby, to Manchester in the county of Lancaſter.

The tolls took place from 1 May 1725. and to continue for 21 years. *Continued by 22 Geo. 2. c. 12.*

CAP. XIV.

An act for repairing part of the road from London to Cambridge, beginning at the end of the pariſh of Foulmire in the ſaid county, next to Barley in the county of Hertford, and ending at the pavement in Trumpington-ſtreet, in the town of Cambridge.

The tolls took place from 1 May 1725. to continue for 21 years. *Continued by 15 Geo. 2. c. 16.*

CAP. XV.

An act for enlarging the term granted by an act made in the eighth year of the reign of her late majeſty Queen Anne, intituled, An act for repairing and amending the highways leading from Seven-Oaks to Woods-gate and Tunbridge-Wells, in the county of Kent; and for explaining and making more effectual the ſame act; and for amending (out of the tolls and duties ariſing by the ſaid act, and this preſent act) the highways leading from Woods-Gate aforeſaid, to Kippings croſs in the pariſh of Brencly, in the ſaid county of Kent.

§ Ann. c. 12. is continued from 24 June 1725. for 21 years. *Continued by 24 Geo. 2. c. 12.*

CAP. XVI.

An act for rebuilding the pier and harbour of Parton in the county of Cumberland.

4. & 5. Ann.
c. 18.

WHEREAS by an act of parliament paſſed in the fourth and fifth years of the reign of her late majeſty Queen Anne, intituled, An act for enlarging the pier and harbour of Parton, in the county of Cumberland, a duty was laid upon all coals ſhipped or put on board any ſhip or veſſel in the ſaid pier and harbour of Parton, for the term of eleven years, for and towards enlarging, deepning, cleanſing, maintaining and repairing the ſaid pier and harbour: and whereas the term for which the ſaid duties were granted, is ſince expired, and ſeveral of the truſtees, who were appointed by the ſaid act for putting the ſame in execution, living remote, others very little concerned or intereſted in the preſervation of the ſaid harbour, and ſeveral others being dead, the works of the ſaid harbour, were neither built nor kept in repair as they ought to have been, but have for ſome years paſt been wholly neglected, and are now become ruinous, to the great damage of the inhabitants there, who had built houſes upon a proſpect of a conſiderable trade in exportation of coals, and other the produce of the country, from the ſaid harbour, to the loſs of the coal trade, and of his Majeſty's cuſtoms there: For remedy whereof, and for preventing the utter loſs of the ſaid harbour, be it enacted, &c.

Duties on coal continued from 1 May 1725. for 15 years. *Further continued from the expiration of this term for 21 years, by 5 Geo. 2. c. 13.* An half-penny duty for every 192 gallons of coals laden in the harbour, The bounds and limits of the harbour. The duties for all goods landed at Parton, viz: For every hogthead of tobacco three pence; for every hogthead

hoghead of sugar six pence; for every tun of wine, brandy, or other exciseable liquors two shillings; for every tun of hemp or flax eighteen pence; for every hundred of deals eight pence; for every last of pitch or tar eight pence; for every ton of iron one shilling; for every barrel of herrings one penny; for every tun of raft or other timber four pence; for every pack of linnen containing two hundred weight one shilling, to be paid by the merchants. Tonnage to be paid by makers of ships at their arrival. After fifteen years one third of the tonnage only to be paid. No Rones to be taken away from any rock within forty yards of the west side of the pier. No ballast or other annoyance to be thrown into the harbour. Ships running foul on the pier, damage to be made good. Trustees to meet at least once a year to audit accounts, &c.

C A P. XVII.

An act for redeeming the annuities of twenty five thousand pounds per annum, charged on the civil list revenues, by an act of the seventh year of his Majesty's reign; and for discharging the debts and arrears due from his Majesty to his servants, tradesmen, and others.

MOST gracious Sovereign, whereas by an act of parliament made 7 Geo. 1. Stat. 1. C. 27. and passed in the seventh year of your Majesty's reign, intituled, An act for raising a sum not exceeding five hundred thousand pounds, by charging annuities, at the rate of five pounds per centum per annum, upon the civil list revenues, till redeemed by the crown; and for enabling his Majesty, his heirs or successors, (by causing such a deduction to be made as therein is mentioned) to make good to the civil list the payments, which shall have been made upon the said annuities; and for borrowing money upon certain lottery tickets; and for discharging the corporations for assurances of part of the money they were obliged to pay to his Majesty; and for making good a deficiency to the East-India company, it was enacted, That yearly and every year, from and after the feast of the nativity of Saint John Baptist in the year of our Lord one thousand seven hundred and twenty one a certain yearly fund, to be computed after the rate of five pounds per centum per annum, for and upon all the annuities to be purchased on the said act, was and should by force and virtue of the said act, be settled and established, and be payable in the manner and form therein expressed and declared, for satisfying and discharging the same annuities, from time to time, until the same should be redeemed by your Majesty, your heirs and successors, according to the true intent and meaning of the said act; and that the said yearly fund was and should be charged and chargeable upon, and be payable out of all the revenues, additional revenues, duties and branches whatsoever, settled or appointed for the support of your Majesty's household, and the honour and dignity of the crown, as well those which are hereditary, as those which were granted during your Majesty's life, and every of them, for and during the whole term of your Majesty's life, unless all the said annuities should sooner be compleatly redeemed, according to the proviso and power of redemption therein contained in that behalf; and in case of your Majesty's demise before the compleat redemption of all the said annuities, then the said yearly fund was thereby charged upon

the said hereditary revenues, duties and branches, and every of them, until the compleat redemption of all the said annuities: and by the said act it was enacted, That any person or persons might contribute, advance and pay to the person, and in the manner therein mentioned, any sum or sums of money, not exceeding in the whole the sum of five hundred thousand pounds, for the purchase of any annuity or annuities, to commence from the said feast of the nativity of Saint John Baptist, one thousand seven hundred and twenty one, to be paid and payable to such contributor or contributors, his, her or their executors, administrators or assigns respectively until the same should be redeemed according to the provisos and power of redemption therein after contained; which annuities should be computed after the rate of five pounds per annum for every one hundred pounds, and proportionably for any greater sum so to be advanced or paid, and the same should be payable quarterly, in manner as therein is mentioned; and by the said act, amongst divers other clauses and things therein contained, it was enacted, That all the monies to be contributed on the said act, should be deemed, reputed and taken to be one joint stock, on which the said annuities should be attending; and that the same should be transferrable at the bank of England: and it was thereby provided that it should be lawful for your Majesty, your heirs and successors, at any time, upon one quarter of a year's notice, to be given in manner as by the said act is directed, to redeem the said annuities, and every of them, by paying to the then proprietors of the same annuities the consideration or purchase-money, which was originally paid for the same, and all arrearages of the said annuities, which shall be incurred till the time of such payment to be made at the then next ensuing quarterly feast-day; and that from and after such payment made, or reserving money in the exchequer to make such payment on demand, then and not till then, the same annuities, and every of them, should from thenceforth cease and determine, and the said revenues should be discharged of, from and against the same: and to the end your Majesty, your heirs and successors, might be enabled to reimburse yourself, or themselves, such sum or sums of money, as in pursuance of the said act should be issued out of the civil list revenues, for or towards payment of the said annuities, or for or towards the redemption thereof, it was thereby further enacted, That it should and might be lawful for your Majesty, your heirs and successors, to cause a deduction to be made, not exceeding six pence in the pound, out of all monies which, from and after the first day of August one thousand seven hundred and twenty one, should be paid for and upon all pensions and annuities, charged upon any of the said hereditary or temporary duties, and for and upon all salaries, fees and wages, payable for or in respect of offices of profit, granted by or derived from the crown, and for and upon all other payments from the crown whatsoever, or for or upon any arrearages of them, or any of them, incurred or to be incurred, (the pay of commission and non-commission officers, and private men serving in the navy or army, only and always excepted) the same deductions to be made for the use of your Majesty, your heirs and successors, for the benefit of your or their civil government, so long as the said annuities should, by virtue of the said act, be payable out of the revenues charged therewith as aforesaid, and until the same annuities should be redeemed

deemed pursuant to the said act, as by the said act, (amongst divers other clauses and provisoes therein contained) relation being thereto had, more fully and at large it doth and may appear: and whereas in pursuance of the said act, the said whole sum of five hundred thousand pounds hath been advanced or contributed, and the annuities attending thereon, and charged on the said civil list revenues, amount to the yearly sum of twenty five thousand pounds; and whereas the said sum of five hundred thousand pounds, so contributed on the credit of the said act, was not sufficient for answering the purposes intended by the said act, by discharging all the arrears then due to your Majesty's servants, tradesmen, and others, by means whereof, and of several extraordinary expences arisen since the making of the said act, divers arrears of salaries, wages, diet, monies, and other allowances, and sundry debts for emptions, provisions, and other causes, still remain due to your Majesty's servants, tradesmen, and others, amounting to a very considerable sum in the whole: now your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being deeply sensible of the blessings they enjoy under your Majesty's wife and happy government, and being desirous, not only that your Majesty may partake of the benefit of the present happy state of the publick credit, but also that your Majesty, in the administration of your civil government, may not remain under any difficulties in respect of the arrears or debts contracted as aforesaid, and being therefore desirous that a sum, not exceeding one million of pounds sterling, may be raised to enable your Majesty, as well to redeem the said annuities of twenty five thousand pounds *per annum*, as to discharge the said debts and arrears, do for that end and purpose most humbly pray your Majesty, that it may be enacted, &c. *EXP.* See 12. *Geo.* 1. c. 2.

Treasury may issue new exchequer-bills, not exceeding 1,000,000. at 2d. *per diem* interest. Counterfeiting these bills is felony, contractors to have one part of the cheques, indents or counterfoils, to prevent counterfeits. Treasury to contract with persons to circulate these bills at 3l. *per centum per annum*. Contractors after 24 June 1725. may direct these bills to carry a lower or higher rate than 2d. *per diem*. So long as these bills remain uncanceled, the deduction of 6d. *per l.* to continue. These exchequer-bills charged thereon, and on the civil list. The sums issued out of the civil list revenue, about these bills, to be deemed part of the yearly sum of 700,000l. 500,000l. to be applied for redemption of the annuities of 25,000l. *per annum*. At Michaelmas yearly, exchequer to take an account of all the monies received of the deductions of 6d. *per l.* &c. His Majesty by letters patent made before 24. Decem. 1725. may appoint a yearly sum for an annuity at 3l. *per centum*, till redeemed. His Majesty may direct the sum to be raised on that credit, &c.

C A P. XVIII.

An act for regulating elections within the city of London, and for preserving the peace, good order and government of the said city.

WHEREAS of late years great controversies and dissensions have arisen in the city of London at the elections of citizens

to serve in parliament, and of mayors, aldermen, sheriffs, and other officers of the said city, and many evil-minded persons, having no right of voting, have unlawfully intruded themselves into the assemblies of the citizens, and presumed to give their votes at such elections, in manifest violation of the rights and privileges of the citizens, and of the freedom of their elections, and to the disturbance of the publick peace: And whereas great numbers of wealthy persons, not free of the said city, do inhabit, and carry on the trade of merchandize and other employments, within the said city, and refuse or decline to become freemen of the same, by reason of an antient custom within the said city restraining the freemen of the same from disposing of their personal estates by their last wills and testaments: And whereas great dissensions have arisen between the aldermen and commons of the common council of London, in or concerning the making or passing of acts, orders or ordinances in common council, which if not timely settled and determined, may occasion great obstructions of the publick business and concerns of the said city, and create many expensive controversies and suits at law, and be attended with other dangerous consequences:

On all elections by the liverymen, and at the ward-motes, presiding officer to appoint a convenient number of clerks to take the poll, &c.

Now to the intent that suitable remedies may be provided for preserving the privileges of the city of London, and the freedom of elections therein, and for settling the right of such elections, and putting a stop to the aforesaid controversies and dissensions, and the ill consequences of the same, and that a constant supply may be had of able officers, capable of supporting the dignity of and maintaining good order and government within that antient, populous, and loyal city, which is of the greatest consequence to the whole kingdom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That at all times, from and after the first day of *June* in the year of our Lord one thousand seven hundred and twenty five, upon every election of a citizen or citizens to serve for the said city of London in parliament, and upon all elections of mayors, sheriffs, chamberlains, bridge-masters, auditors of chamberlains and bridge-masters accounts, and all and every other officer and officers to be chosen in and for the said city, by the liverymen thereof, and upon all elections of aldermen and common council-men chosen at the respective wardmotes of the said city, the presiding officer or officers at such elections shall, in case a poll be demanded by any of the candidates, or any two or more of the electors, appoint a convenient number of clerks to take the same, which clerks shall take the said poll in the presence of the presiding officer or officers, and be sworn by such officer or officers truly and indifferently to take the same, and to set down the name of each voter, and his place of residence or abode, and for whom he shall poll, and to poll no person who shall not be sworn, or being a *quaker*, shall not affirm according to the direction of this act: and every person before he is admitted to poll at any election of any citizen or citizens to serve in parliament, or of any officer or officers

None to be polled who is not sworn.

officers

cers usually chosen by the liverymen of the said city as aforesaid, shall take the oath herein after mentioned, or being one of the people called *quakers*, shall solemnly affirm the effect thereof, that is to say,

YOU do swear, That you are a freeman of London, and a Liveryman's liveryman of the company of *and have so* oath at election been for the space of twelve kalendar months; and that the place of *ons.* your abode is at in and that you have not polled at this election,

So help you God.

And in case of any election of any alderman or common council-man, every person, before he is admitted to poll, shall take the oath herein after mentioned, or, being one of the people called *quakers*, shall solemnly affirm the effect thereof, that is to say,

YOU do swear, That you are a freeman of London, and an *Oath at ward-* *and have not polled* *motes.* *householder in the ward of* at this election.

So help you God.

And if any person or persons shall refuse or neglect to take the oaths hereby respectively appointed to be taken, or being a *quaker* shall refuse or neglect to make such solemn affirmation as aforesaid, then and in every such case the poll or vote of such person or persons so neglecting or refusing shall be, and the same is hereby declared to be null and void, and as such shall be rejected and disallowed. *On refusal to swear, poll to be rejected.*

II. And be it further enacted by the authority aforesaid, That at all times from and after the said first day of *June* in the year of our Lord one thousand seven hundred and twenty five, upon every election of such citizen or citizens, officer or officers, by the liverymen of the said city, and upon every election of such officer or officers at any wardmote of the said city as aforesaid, all and every person and persons having a right to vote or poll at such election or elections shall, before he be admitted to vote or poll thereat (if required by any of the candidates, or any two or more of the electors) first take the oaths in and by an act made in the first year of his Majesty's reign, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors,* appointed to be taken, or being one of the people called *quakers* shall, if required as aforesaid, solemnly affirm the effect thereof; and if any person or persons shall, being required thereunto as aforesaid, refuse or neglect to take the said oaths by the said act appointed to be taken, or so affirm the effect thereof as aforesaid, That then the poll or vote of such person or persons so neglecting or refusing shall be, and the same is hereby declared to be null and void, and *The oath 1 Geo. 1. to be taken if required. 1 Geo. 1. stat. 2. c. 13.*

Prefiding officer and sworn clerk to administer the oaths on penalty of 60l.

Penalty on falsely taking the oaths or suborning.

Prefiding officer how to act, if a poll be demanded.

When the poll to be finished &c.

as such shall be rejected and disallowed; and the prefiding officers at all and every the respective elections aforesaid, and such sworn clerks as shall be by them appointed, are hereby respectively authorized and empowered to administer the above-mentioned oaths and affirmations; and if any such prefiding officer or officers, sworn clerk or clerks, shall neglect or refuse so to do, or shall otherwise offend in the premises, contrary to the true intent and meaning of this act, every such officer and sworn clerk shall for every such offence forfeit the sum of sixty pounds of lawful money of *Great Britain*, besides costs of suit.

III. And it is hereby further enacted, That if any person or persons shall wilfully, falsely and corruptly take the said oaths or affirmations set forth and appointed in and by this act, or either of them, and be thereof lawfully convicted by indictment or information, or if any person or persons shall corruptly procure or suborn any other person to take the said oaths or affirmations, or either of them, whereby he shall wilfully and falsely take the said oaths or affirmations, or either of them, and the person so procuring or suborning shall be thereof convicted by indictment or information, every person so offending shall for every such offence incur and suffer such penalties, forfeitures and disabilities, as persons convicted of wilful and corrupt perjury at the common law are liable unto.

IV. *And to the intent that the poll at every such election may be expeditiously and duly taken;* be it further enacted by the authority aforesaid, That if a poll shall be demanded at any of the elections before-mentioned, after the said first day of *June* in the year of our Lord one thousand seven hundred and twenty five, the prefiding officer or officers at such election shall begin such poll the day the same shall be demanded, or the next day following at the furthest, unless the same shall happen on a *Sunday*, and then on the next day after, and shall duly and orderly proceed thereon from day to day (*Sundays* excepted) until such poll be finished, and shall finish the poll at elections by the liverymen within seven days, exclusive of *Sundays*, and the poll at the wardmote within three days, exclusive of *Sunday*, after the commencing the same respectively, and shall, upon adjourning the poll on each day, at all and every the elections aforesaid, seal up the poll-books with the seals, and in the presence of such of the respective candidates, or persons deputed by them, as shall desire the same, and the said poll-book shall not be opened again but at the time and place of meeting, in pursuance of such adjournment; and after the said poll is finished, the said poll-books, being sealed as aforesaid, shall within two days after be publickly opened at the place of election, and be duly and truly cast up, and within two days after such casting up the numbers of the votes or polls for each candidate shall be truly, fairly and publickly declared to the electors at the place of election, by the officer or officers prefiding at such election; and if a scrutiny shall, upon such declaration made, be lawfully demanded, the same shall be granted and proceeded upon, and the

the respective candidates shall immediately nominate to the presiding officer or officers at such elections, any number of persons qualified to vote at such election not exceeding six, to be scrutineers for and on behalf of the candidate or candidates on each side, to whom the presiding officer or officers at such election shall, within six days next after such scrutiny shall be demanded, upon request and at the charge of the candidate or candidates, or any the scrutineers on his or their behalfs, deliver or cause to be delivered to him or them a true copy, signed by such officer or officers, of the poll taken at such election; and all and every the scrutinies to be had or taken upon any election to be made by the liverymen of the said city, shall begin within ten days after the delivery of the copies of the said polls, and be proceeded on day by day (*Sundays* excepted) and shall be finished within fifteen days after the commencement of such scrutiny; and thereupon the presiding officer or officers shall, within four days after the finishing such scrutiny, publickly declare at the place of such election, which of the candidates is or are duly elected, and the number of legal votes for each candidate appearing to him or them upon such scrutiny; and on the election of any officer or officers at the respective wardmotes of the said city, if a scrutiny be demanded, the candidates, or scrutineers nominated on their behalfs respectively shall, within ten days next after the receipt of the copy or copies of the polls taken at such election, deliver or cause to be delivered to the presiding officer or officers, the names in writing of the several persons who have polled in the said election, against whose votes they shall object, with the particular objections against each respective name; and the presiding officer or officers shall thereupon, within three days then next following, at the request and charges of any candidate or candidates, or the scrutineers named on his or their behalfs, deliver or cause to be delivered to him or them, one or more true copy or copies (signed as aforesaid) of the paper containing such names and objections as aforesaid; and the said presiding officer or officers, within ten days then next following (*exclusive of Sundays*) after having fully heard such of the said candidates as shall desire the same, or some person appointed by him or them, touching such objections, shall, at or in the place of election, openly and publickly declare which of the said candidates is or are duly elected, and the number of legal votes for each candidate appearing to him or them upon such scrutiny; and if the said presiding officer or officers, or any other person or persons, shall offend in the premises, every such offender shall forfeit for every such offence the sum of two hundred pounds of lawful money of *Great Britain*, with full costs of suit, over and above all other penalties and forfeitures inflicted by any other act or acts of parliament.

V. And be it further enacted by the authority aforesaid, That after any election made, and scrutiny taken, as is herein before provided and directed, the presiding officer or officers at such election and scrutiny shall deliver, under his or their hand or hands

If a scrutiny be demanded, Scrutineers not to exceed six on each side.

Scrutinies when to begin, and when finished, on election by liverymen.

Scrutinies on elections at wardmotes.

True copies of the objections against the pollers.

Penalty 200 l. with costs.

A true list to be given of the voters disallowed.

hands, a true list of the voters by him or them disallowed upon such scrutiny, to any of the candidates who shall, upon the final declaration of the election as aforesaid, demand the same, within six days after such demand made, such candidate paying for the same: provided always, That no such list as is hereby directed to be given, nor any thing therein contained, shall be admitted to be given in evidence on any action or occasion whatsoever.

Mayor to issue precepts to the companies to bring in lists.

VI. And be it further enacted by the authority aforesaid, That the mayor of the city of *London* for the time being, upon request to him made by any candidate or candidates, his or their agent or agents, at any election of a citizen or citizens to serve in parliament for the said city, or of a mayor, or any other officer or officers to be chosen by the liverymen thereof, where a scrutiny is demanded and granted, shall issue his precepts, as has been usual, requiring the masters and wardens of the livery companies of the said city respectively, to cause their clerks forthwith to return to him two true lists of all the liverymen of their respective companies; and the said clerks shall return such their respective lists upon oath within three days after the receipt of any such precepts, one of which lists so returned the said mayor shall, and he is hereby required forthwith to deliver or cause to be delivered to the candidate or candidates on each side at such election, or to his or their agent or agents respectively.

Election of aldermen and common council-men to be by freemen paying scot and lot,

VII. *And whereas divers controversies and disputes have arisen in the said city of London touching the right of election of aldermen and common council-men for the respective wards of the said city; for quieting all such disputes and controversies for the future, it is hereby further enacted by the authority aforesaid, That from and after the said first day of June in the year of our Lord one thousand seven hundred and twenty five, the right of election of aldermen and common council-men for the several and respective wards of the said city shall belong and appertain to freemen of the said city of London, being householders, paying scot as herein after is mentioned and provided, and bearing lot, when required, in their several and respective wards, and to none other whatsoever.*

and paying 10l. per ann. rent.

VIII. Provided nevertheless, That the houses of such householders be respectively of the true and real value of ten pounds a year at the least; and that such householders be respectively the sole occupiers of such houses, and have been actually in the possession respectively of a house of such value in the ward wherein the election is made, by the space of twelve calendar months next before such election.

The scot ascertained.

IX. Provided also, and for the better ascertaining what are the rates and taxes to which such householders ought to contribute and pay their scot, the same are hereby declared and enacted to be a rate to the church, to the poor, to the scavenger, to the orphans, and to the rates in lieu of or for the watch and ward, and to such other annual rates, as the citizens of *London*,

don, inhabiting therein, shall hereafter be liable unto, other than and except annual aids granted or to be granted by parliament; and in case any such householder, within the space aforesaid, shall have been rated and charged, and contributed and paid his scot to all the said rates or taxes, or thirty shillings a year to all or some of them, except as aforesaid, every such person shall be deemed and taken to be a person paying of scot.

Householder paying 30 s. a year in all, may vote.

X. [Provided always, That such householder, within the space aforesaid, shall have been rated or charged, and contributed or paid his scot to all and singular the rates and taxes (other than and except annual aids granted by parliament) whereunto the citizens of *London*, inhabiting therein, are or shall be liable, or shall have paid in the whole to the said rates and taxes, or some of them, except as aforesaid, thirty shillings a year at least;] and in case any two or more partners carry on a joint trade in any such house together, and shall have been householders of such house by such space of time as aforesaid, such partners shall, paying their scot in manner aforesaid, and bearing their respective proper lots, if required, have votes at the elections aforesaid; so as such house, wherein such partners carry on their trade, be of the true and real yearly value of as many respective sums of ten pounds a year, computed together, as there are partners.

This omitted on the roll.

Partners in trade may vote, each paying 10 l. per ann. rent.

XI. Provided also, That where two persons and no more, not being partners, shall have by the space aforesaid severally inhabited in the same house, such two persons severally paying their scots, and bearing their respective lots as aforesaid, shall have votes at the elections aforesaid; so as such house, wherein such two persons inhabit, be of the true and real yearly value of twenty pounds or upwards, and that each of the said persons doth pay the yearly rent of ten pounds at the least for his respective part of such house.

Two inhabiting the same house, each paying scot, and 10 l. per ann. rent, may vote.

XII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to oblige any person or persons to pay any scot or bear any lot, from the doing of which they are or shall be exempted and discharged by act of parliament, charter or writ of privilege; but that such person and persons so exempted and discharged shall and may vote at any election of any alderman, common council-man or other officer usually chosen at the wardmotes of the said city, notwithstanding he or they shall not have born such lot, or paid such scot, in such manner as he or they should or might have done, in case this act had not been made, and no otherwise.

What persons exempted from scot and lot may vote.

XIII. And to the intent that the citizens and inhabitants of *London* may have a proper remedy and relief in case they, or any of them, shall be aggrieved by any tax, rate or assessment made in or for the said city, or by any misbehaviour of any officer in relation thereto, or to the collecting the same; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all and every person and persons, who

Complainants about assessments may appeal to the mayor and aldermen,

from and after the said first day of *June* in the year of our Lord one thousand seven hundred and twenty five shall be aggrieved by any of the assessments that shall or may be made in or for the said city, towards payment of the rate or tax for the orphans, and also to the rate or tax in lieu of or for keeping watch and ward in the said city, or by any breach or neglect of duty committed by any officer concerning the same, to appeal, in respect thereof, to the mayor and court of aldermen of *London*; and it shall and may be lawful to and for any such person or persons, in case he or they shall be in any wise aggrieved by any other rate or assessment that shall be made in or for the said city, or any the wards, precincts, parishes or inhabitants of the same, or by any breach or neglect of duty committed by any officer relating thereto, to appeal to the proper persons unto whom by law such appeal lies; and the said mayor and court of aldermen, and the said other persons to whom such appeal shall be lawfully made respectively, shall and may hear and finally determine the matter so complained of, and correct and settle the said rates.

or to the proper officer,

whose determination shall be final.

Persons excluded from voting.

XIV. And it is hereby further enacted, That no person or persons whatsoever shall, from and after the said first day of *June* one thousand seven hundred and twenty five, have any right or title to vote at any election of a citizen or citizens to serve in parliament for the said city, or of any mayor or other officer or officers to be chosen by the liverymen thereof, who have not been upon the livery by the space of twelve calendar months before such election, and who shall not have paid their respective livery fines, or who having paid the same shall have received such fines back again in part or in all, or shall have had any allowance in respect thereof; and no person or persons whatsoever shall have any right to vote at any election of a citizen or citizens to serve in parliament, or of any mayor, alderman, or other officer or officers of or for the said city, or any the wards or precincts thereof, who have at any time within the the space of two years next before such election or elections requested to be, and accordingly have been discharged from paying to the rates and taxes to which the citizens of *London*, inhabiting therein, are or shall be liable as aforesaid, or any of them, or have, within the time aforesaid, had or received any alms whatsoever; and the vote of every such person shall be void.

Mayor and aldermen to have a negative in passing acts, &c. as also the commons. *Rep.* 19 Geo. 2. c. 8.

XV. And to the intent that a final end may be put to all disputes between the mayor and aldermen and the commons of the common council of the said city, touching the making or passing of acts, orders or ordinances in common council, and that no act, order or ordinance may for the future be made or passed in common council without the full consent of the representative body of the said city, according to the ancient constitution of the same, be it enacted by the authority aforesaid, That no act, order or ordinance whatsoever, at any time from and after the said first day of *June* one thousand seven hundred and

and

and twenty five, shall be made or passed in the common council of the said city without the assent of the mayor and aldermen present at such common council, or the major part of them, nor without the assent of the commons present at such common council, or the major part of them.

XVI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any election, nomination or appointment in common council of any common serjeant, town-clerk, judges of the sheriffs court, coroner, common cryer, commissioners of sewers, garbler, and the governor and assistants of *London* of the new plantation of *Ulster* in *Ireland*, but that the election, nomination or appointment of all or any of the said officers shall and may, from and after the said first day of *June* one thousand seven hundred and twenty five, be made by the mayor, aldermen and commons in common council assembled, or the major part of them; any thing in this act contained to the contrary thereof notwithstanding.

XVII. And to the intent that persons of wealth and ability, who exercise the business of merchandize, and other laudable employments within the said city, may not be discouraged from becoming free of the same, by reason of the custom restraining the citizens and freemen thereof from disposing of their personal estates by their last wills and testaments, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all and every person and persons who shall, at any time from and after the said first day of *June* one thousand seven hundred and twenty five, be made or become free of the said city, and also to and for all and every person and persons, who are already free of the said city, and on the said first day of *June* one thousand hundred and twenty five shall be unmarried, and not have issue by any former marriage, to give, devise, will and dispose of his and their personal estate and estates, to such person and persons, and to such use and uses, as he or they shall think fit; any custom or usage of or in the said city, or any by-law or ordinance made or observed within the same, to the contrary thereof in any wise notwithstanding.

XVIII. Provided nevertheless, That in case any person, who shall at any time or times from and after the said first day of *June* one thousand seven hundred and twenty five become free of the said city, and any person or persons who are already free of the said city, and on the said first day of *June* one thousand seven hundred and twenty five shall be unmarried, and not have issue by any former marriage, hath agreed or shall agree by any writing under his hand, upon or in consideration of his marriage, or otherwise, that his personal estate shall be subject to, or be distributed or distributable according to the custom of the city of *London*; and in case any person so free, or becoming free as aforesaid, shall die intestate; in every such case the personal estate of such person so making such agreement, or so dying intestate, shall be subject to, and be distributed and

Exception.

What freemen made after 1 June 1725, may dispose of their personal estate as they think fit.

Exception.

distributable according to the custom of the said city; any thing herein contained to the contrary in any wise notwithstanding.

Words to be omitted in the oath of a freeman.

XIX. And it is hereby further enacted, That there shall, from and after the said first day of *June* one thousand seven hundred and twenty five, be omitted and left out of the oath of a freeman of the said city, the words following, that is to say, *Ye shall know no foreigner to buy or sell any merchandize with any other foreigner within the said city or the franchise thereof, but ye shall warn the chamberlain thereof, or some minister of the chamber;* and also these words following, that is to say, *Ye shall implead or sue no freeman out of the city, whilst ye may have right and law within the same city;* and after these words, *Ye shall take no apprentices,* the words immediately following shall also be omitted, that is to say; *But if he be free-born, that is to say, no bondsmans son, nor the child of any alien;* and *For no,* and instead thereof these words, *For any,* shall be inserted in the said oath.

Forfeitures, how to be distributed.

XX. And be it further enacted by the authority aforesaid, That all and every the forfeitures hereby enacted or inflicted shall be distributed in manner following, that is to say, One third part thereof to the King's most excellent Majesty; one other third part thereof to the chamberlain of the said city, to the use of the mayor, commonalty and citizens of the said city; and the remaining third part thereof to him or them that will sue for the same within six calendar months next after the same shall be incurred, to be recovered by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, wherein no esoin, privilege, protection or wager of law shall be allowed, nor any more than one imparlance.

Publick act.

XXI. And be it further enacted by the authority aforesaid, That this act shall in all courts and places be deemed and taken to be a publick act, and shall be judicially taken notice of as such by all judges, justices and courts whatsoever without specially pleading the same.

C A P. XIX.

An act for making more effectual an act passed in the parliament holden in the twelfth year of the reign of her late majesty *Queen Anne*, intituled, *An act for making the river Nine or Nen, running from Northampton to Peterborough, navigable.*

Two clauses in the act 12 Ann. stat. 2. c. 7. a private act, repealed. Commissioners to meet on 13 July 1725, at Northampton, to contract with persons for making the river Nine navigable. If commissioners break up without adjournment, &c. *Custos Rotulorum in Com' Northampton* to appoint the time and place of meeting. Powers in the former act continued. Not to prejudice the water-works at Nun-Mills.

C A P. XX.

An act for repairing and amending the road from *Biggleswade*, in the county of *Bedford*, to *Bugden*, and through *Alconberry*, to the top of *Alconberry-hill*, or *Crofs Post* leading into *Sautery-Lane*, on the *York* and *Edinburgh* road, and from the said town of *Bugden* to the town of *Huntingdon*, and from *Crofs-Hall* in *Eaton Sokon*, in the said county of

of Bedford, to Great Stoughton-Common, in the said county of Huntingdon.

The toll granted by this act took place from the first of May 1725, to continue for 21 years. *Continued by 9 Geo. 2. c. 9.*

CAP. XXI.

An act for the relief of insolvent debtors. EXP.

Sheriff or gaoler to make an alphabetical list of his prisoners on 29 Sept. 1724, &c. To be kept by the clerk of the peace. The persons in such lists on their petition and oath to be discharged. Prisoner to deliver in a schedule of his whole estate, &c. to quarter-sessions. Clerk of the peace to keep the schedule. Prisoner's effects vested in him to be assigned over to the creditors, &c. Notice to be served upon the creditors 30 days before quarter-sessions, and inserted in the London Gazette. All requisites performed by the prisoner, quarter-sessions to discharge him. Prisoner discharged, hereafter imprisoned, on shewing the duplicate to be released, &c. Notwithstanding discharge, judgments good against lands, &c. May plead generally against any *Scire facias*, &c. in discharge of his person from execution. No advantage, if discharge be not obtained before 26 March 1736. Not to extend to Scotland. Keeper to permit any person to speak with prisoners whose names are in the Gazette, &c. Prisoners not declaring the trade and habitation of the persons at whose suit they are detained, &c. incapable of the benefit of this act. Debtors only for fees, not exceeding 40 s. discharged. Debts to the crown, and 100l. to any one person, not discharged.

CAP. XXII.

An act to prevent violences and outrages being committed by any persons under pretence of sheltering themselves from debt, or any process of law, within the hamlet of Wapping-Stepney, or elsewhere within the weekly bills of mortality.

WHEREAS it is notorious, That many evil-disposed and wicked persons have, in defiance of the known laws of this realm and to the great dishonour thereof, unlawfully assembled and associated themselves in the hamlet of Wapping-Stepney, and places adjacent in the county of Middlesex, under pretence of sheltering themselves for debt, and have committed great violences and outrages upon many of his Majesty's good subjects, and by force protected themselves and their wicked accomplices, against law and justice: and whereas it is absolutely necessary that provision should be made for effectually preventing such violences and outrages for the future, and for bringing all offenders in the premisses to more speedy and exemplary justice; may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any number of persons, not less than three, shall, after the first day of June one thousand seven hundred and twenty five, within the said hamlet of Wapping-Stepney, or any other place within the limits of the weekly bills of mortality of the cities of London and Westminster, wherein persons shall unlawfully assemble

If any person shall, after 1 June 1725, in the hamlet of Wapping-Stepney, or within the weekly bills,

shelter themselves from debt, of which a presentment hath been made by the grand jury, and shall assault persons executing any writ, &c. they shall be transported for seven years.

ble and associate for the sheltering themselves from their debts, of which complaint shall have been made by a presentment of the grand jury at a general or quarter-sessions of the proper county, knowingly and wilfully obstruct and oppose any person or persons serving, or endeavouring or attempting to serve or execute any writ or any rule or order of any court of law or equity, or other legal process whatsoever, and shall, in making such obstruction or opposition, assault or abuse any person or persons serving or executing any such writ, rule, order or process, or for having so done, whereby any such person or persons shall receive any bodily hurt, every person so knowingly and wilfully offending in the premises, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported for seven years to some or one of his Majesty's colonies or plantations in *America*, by such ways, means and methods, and in such manner and under such pains and penalties, as felons in other cases are by law to be transported.

On complaint to a judge of the court out of which the writ issued, of such obstruction,

II. And be it enacted by the authority aforesaid, That after the said first day of *June* one thousand seven hundred and twenty five, upon any complaint or complaints at any time or times to be made to a judge of any court, out of which the writs or process herein after mentioned shall issue, of such obstruction and opposition within the said hamlet, or elsewhere within the said bills of mortality, wherein persons shall unlawfully assemble and associate for the sheltering themselves from their debts, of which complaint shall have been made by a presentment of the grand jury at a general or quarter sessions of the proper county, by any person or persons who hath or have or shall have any debt or debts, sum or sums of money due or owing to him, her or them from any person or persons now being, or which shall hereafter be sheltered and reside within the said hamlet of *Wapping-Stepney*, and places adjacent, or elsewhere within the said bills of mortality, wherein persons shall unlawfully assemble and associate for the sheltering themselves from their debts, of which complaint shall have been made by a presentment of the grand jury at a general or quarter sessions of the proper county, such creditor or creditors having any legal writ or process taken out for prosecuting, recovering or levying any such debt or debts, sum or sums of money, and making oath before such judge, that a debt or debts, exceeding fifty pounds, is or are justly due to him, her or them from the person or persons against whom such complaint shall be made, and that such creditor or creditors verily believe, that such person or persons do then reside, and is or are sheltered, within such place or places as shall in such oath be particularly mentioned, it shall and may be lawful to and for such judge, and he is hereby authorized and empowered, in all and every such case and cases (if he in his discretion shall find it to be requisite) to issue his order from time to time to the sheriff of the county of *Middlesex*, or to the sheriff of any other county into which the said bills of mortality do extend for the time being, thereby strictly

and on oath that the debt exceeded 50 l.

the judge may issue his order to the sheriff to raise the posse comitatus.

strictly enjoining and respectively requiring him or them, his or their respective deputy or deputies, officer or officers, under such penalty as by this act is prescribed for non-performance of his or their duty therein, to raise and take the *posse comitatus*, and enter the said hamlet of *Wapping-Stepney*, and places adjacent, or any place elsewhere within the said weekly bills of mortality, as shall be mentioned in the said oath, and to arrest, and in case of resistance or refusal, to open or break open any door or doors in the day-time, to arrest such person or persons upon any mesne process or other process, extent or execution, and to seize the goods of any such person or persons upon any execution or extent; and if any such sheriff or sheriffs, or any his or their deputy or deputies, officer or officers, or any of them, shall wilfully neglect or refuse, upon any such order, to use his or their best endeavours for the executing of such process, execution or extent, he or they so neglecting or refusing to execute such process, execution or extent, shall forfeit to the plaintiff or plaintiffs the sum of two hundred pounds, to be recovered by action of debt or of the case, bill, plaint or information, in which no essoin, protection, wager of law, or more than one imparlance shall be allowed: and if any person or persons shall knowingly and wilfully resist or oppose any officer or officers of justice, or any person or persons who shall be aiding or assisting to such officer or officers, in the execution of any writ, or of any legal process, execution or extent, within the said hamlet of *Wapping-Stepney*, and places adjacent, or elsewhere within the said bills of mortality, wherein persons shall unlawfully assemble and associate for the sheltering themselves from their debts, of which complaint shall have been made by a presentment of the grand jury at a general or quarter sessions of the proper county, or shall make rescous of any prisoner taken upon any such process, execution or extent within the places aforesaid, or shall there knowingly harbour or conceal any prisoner so taken, or any person or persons who rescued any such prisoner, or shall be any ways contriving, or knowingly and willingly abetting, aiding or assisting in resisting any such officer or officers, or in rescuing any such prisoner or prisoners taken as aforesaid, all and every person and persons so offending, being thereof lawfully convicted upon any indictment or information to be brought or filed within six months after the offence committed, shall be adjudged guilty of felony, and shall be transported for seven years to some or one of his Majesty's colonies or plantations in *America*, by any such ways, means and methods, and in such manner and under such pains and penalties, as felons in other cases are by law to be transported.

Sheriff not performing his duty to forfeit 200 l.

Opposing the officers, or their assistants,

or rescuing a prisoner in such places,

is transportation for seven years.

III. *And whereas divers persons, who have taken shelter within the said hamlet of Wapping-Stepney since the twenty ninth day of September one thousand seven hundred and twenty three, have rented houses and land to the yearly value of ten pounds per annum or upwards therein, but by reason of their poverty were never rated, nor*

Shelterers in Wapping-Stepney since 29 Sept. 1723, who were never rated to paid

the poor, &c. shall be deemed to have gained no legal settlement.

paid to the relief of the poor of the said parish, nor served any parochial offices there; be it therefore declared and enacted by the authority aforesaid, That no such person or persons so taking shelter, or their families, shall be judged to have gained any legal settlement in the said parish by virtue of having rented any houses or lands of such value, unless such person or persons have been rated and have paid to the relief of the poor of the said parish, or have served parochial offices there; any law or statute to the contrary in any wise notwithstanding.

C A P. XXIII.

An act for making more effectual an act passed in the fifth year of his Majesty's reign, intituled, An act for preventing of mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London and Westminster, or the suburbs thereof.

5 Geo. I. c. 26.

WHEREAS by an act passed in the fifth year of his Majesty's reign, intituled, An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London and Westminster, or the suburbs thereof, it is (amongst other things) enacted, That from and after the first day of August one thousand seven hundred and nineteen it should not be lawful for any person or persons to keep more than six hundred pounds of gunpowder, each hundred containing five score pounds net weight, at any time in any storehouse, warehouse or other place within the cities of London and Westminster, or either of them, or within the suburbs thereof, or within three miles of the Tower of London, or within three miles of his Majesty's palace at Saint James's, or within two miles of any magazine erected for keeping gunpowder belonging to his Majesty, his heirs and successors, for the use of the publick: and whereas since the making of the said act many dealers in gunpowder, and others, have divided their houses and warehouses into several small partitions or apartments, and there keep great quantities of gunpowder, whereby and by other evil and indirect means and practices the good designs of the said act are notoriously eluded and evaded, to the apparent danger of several publick offices and the lives and fortunes of many thousands of your Majesty's subjects: and whereas it is necessary for publick safety to lessen the quantity of gunpowder allowed by the said act to be kept within the limits aforesaid, and it is also requisite to make the said act more effectual; may it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June one thousand seven hundred and twenty five it shall not be lawful to have or keep, within the limits aforesaid, more than two hundred pounds of gunpowder at any time in any house, storehouse, warehouse, shop, cellar

After 1 June 1725, none to keep more than 200lb. of gunpowder in any one

or

or other place, or in any houses, storehouses, warehouses, shops, place in London or Westminster, &c. for more than 24 hours.
cellars or other places under one or the same roof, or in any yard or yards within the limits aforesaid, for more than the space of twenty four hours, upon pain of forfeiting all such gunpowder and the value thereof, with full costs of suit, to any person or persons, other than and except the owner or owners, proprietor or proprietors of, or other person or persons interested in such gunpowder, who will inform and sue for the same by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, wherein no esoin, protection, privilege or wager of law shall be allowed, nor any more than one imparlance, provided such suit or action be commenced and prosecuted within six calendar months next after such forfeiture or penalty shall be incurred.

Penalty.

II. And be it enacted by the authority aforesaid, That the justices of the peace authorized by the said recited act to issue their warrants to search after dangerous quantities of gunpowder within the limits aforesaid shall, upon demand made by any parish-officer, or by any two or more householders, being inhabitants within the said limits, assigning a reasonable cause for the same, issue such warrants *gratis*; and that upon every or any such search it shall be lawful for the searchers, or persons finding the same, immediately to seize, and then, or at any time within twelve hours after such seizure, to amove or cause to be amoved all such gunpowder as shall be found within the limits aforesaid, exceeding the quantity allowed by this present act; and every person wilfully obstructing or hindring any such seizure or amoval shall for every such offence forfeit to the informer five pounds of lawful money of *Great Britain*, to be recovered as aforesaid, with full costs of suit.

Justices to issue warrants gratis to search.

Searchers, within 12 hours, to amove such gunpowder.

III. And for preventing the dangerous use of iron hammers, or hammers shod or plated with iron or steel, in any warehouse or other place used for keeping gunpowder within the limits aforesaid, be it further enacted by the authority aforesaid, That in case any person shall, after the said first day of *June*, presume to use or work with any iron hammer, or any hammer shod or plated with iron or steel, in any such warehouse or place, while any gunpowder is there, every such person so offending, being thereof convicted, within one month next after the offence committed, by the oath or oaths of any credible witness or witnesses, before one or more justice or justices of the peace within the limits aforesaid, which oath or oaths such justice or justices are hereby authorized and required to administer, shall for every such offence, forfeit twenty shillings to the informer, to be levied (in case of non-payment) by distress and sale of the offender's goods and chattels by warrant or warrants under the hand and seal or hands and seals of any such justice or justices, rendering the overplus to the owner, the charges of such distress and sale being first deducted; and for want of sufficient distress, every such offender, being convicted as aforesaid, shall be sent by such justice or justices to the house of correction, there to be kept

Working with iron hammers in such warehouses forfeits 20 s.

kept to hard labour for any time not exceeding one month, nor less than fourteen days, as such justice or justices shall in his or their discretion or discretions think fit.

Not to affect any magazine belonging to the crown, &c.

IV. Provided always, That this act, or any thing herein contained, shall not extend or be construed to extend in any wise to affect any storehouse or magazine belonging to his Majesty, his heirs or successors, wherein gunpowder or other stores shall be kept for the use of the publick, or to hinder the proving or trying gunpowder by his Majesty's officers, as is usual, for the service of his Majesty, his heirs or successors, or to the carrying of gunpowder to or from any of his Majesty's magazines, or with forces in their marches.

General issue.

V. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against any person or persons for any thing done in pursuance of this present act, in every such case such person or persons shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance or by the authority of the said act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her or their suit or action after issue joined, or, if upon demurrer or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants, shall and may recover treble costs, and shall have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

Act 5 Geo. 1. not hereby altered, to be in force.
See 22 Geo. 2. c. 38.
Publick acts.

VI. And be it enacted, That the said recited act, and all provisions, clauses, matters and things therein contained, not hereby altered, shall be of full force, and shall or may be observed and put in execution, for preventing the mischiefs aforesaid, notwithstanding the making of this act, and that the said act, and this present act, shall be deemed and taken to be publick acts, and shall be judicially taken notice of as such in all courts and places by all judges, justices and others, without specially pleading the same.

CAP. XXIV.

An act for the better regulating the manufacture of cloth in the west-riding of the county of York.

7 Ann. c. 13.

WHEREAS an act was made in the seventh year of the reign of her late majesty Queen Anne, intituled, An act for the better ascertaining the lengths and breadths of the woollen cloth made in the west-riding of the county of York, which, notwithstanding the many good provisions and directions therein contained, hath nevertheless been found by experience not to be effectual for the preventing the frauds, abuses and deceits which are frequently used and practised in the manufacture of woollen broad-cloth, made within the west-riding of the said county of York, particularly in the deceitful working, and unreasonable stretching and straining, and dressing the said cloths, which ill practices tend very much to the debasing, undervaluing and discrediting of the said manufacture, both at home and

and in foreign parts beyond the seas, where a great part thereof hath been usually vended: for remedy whereof, and for encouraging the said manufacture, by preventing the said frauds, deceits and abuses, and every of them for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June* which shall be in the year of our Lord one thousand seven hundred and twenty five, every woollen broad-cloth made within the west-riding of the said county of *York*, whether the same shall be called an end or half-cloth, or a long or whole cloth, being well scoured and fully milled, shall at the least be five quarters and an half, by the standard yard-wand in breadth within the lists in the water, being fully wet, and every such cloth, called an end or half-cloth, shall not exceed in length twenty four yards, being fully wet, and every such cloth, called a long or whole cloth, shall not exceed in length forty eight yards, being fully wet.

The length and breadth of broad-cloth in the west-riding of *York* ascertained.

II. And be it further enacted by the authority aforesaid, That if any of the clothiers or makers of broad woollen cloth, shall, after the said twenty fourth day of *June*, make, offer or expose to sale, any of the aforesaid cloths which shall not be of the respective breadths, or shall exceed the respective lengths herein before-mentioned, directed and prescribed, every such person so offending, being thereof lawfully convicted by the oath of any one or more credible witness or witnesses, before any one or more justice or justices of the peace for the west-riding of the said county of *York*, or any corporation within the same, (provided such justice or justices be or are not a merchant or trader in the woollen manufacture) and which oath the said justice or justices is and are hereby impowered to administer, shall for every inch such cloth shall fall short of the breadth before-mentioned, and for every yard the said broad-cloth, called a long or whole cloth, shall exceed the said length of forty eight yards, and for every yard the said broad-cloth, called an end or half-cloth, shall exceed the length of twenty four yards, shall forfeit respectively the sum of twenty shillings: provided always, that if it shall happen that any of the cloths aforesaid, without any wilful default of the maker thereof, shall, in some parts thereof, (not exceeding in the whole one fifth part of the length) fall short and want of the breadth before directed, yet in case of such accident, such cloths may notwithstanding be sold without incurring any of the penalties by this act imposed on the maker or seller thereof.

Penalty on clothiers offending, for every inch in breadth, and yard in length, 20s.

III. And be it enacted by the authority aforesaid, That all woollen broad cloth to be made shall be measured at the fulling-mill, after the same shall be fully milled and scoured, and thoroughly wet, by the master, owner or occupier of every such fulling-mill, who shall, and he is hereby obliged to take an oath before some justice of the peace for the said riding, that he will

Broad-cloth to be measured at the fulling-mill.

well

Millman to be sworn. well and truly perform such measuring, (which oath such justice of the peace is hereby authorized and required to administer, and to give such master, owner or occupier of such fulling-mill, a certificate of such oaths having been administered and taken) and every master or occupier of every such fulling-mill shall affix, or cause to be affixed, at each end of every such cloth, before it shall be carried from the mill, a seal of lead, to be furnished by the clothier; and the said master or occupier of every such fulling-mill shall rivet the same on every such cloth, and stamp his name in plain words at length thereupon, and in figures plainly to be seen and known stamp likewise the length and breadth of every such cloth, for which he shall be paid by the owner of every such cloth, two pence, one penny whereof to be paid to the treasurer of the said west-riding, for the time being, to be applied by direction of the justices of the peace at their general quarter-sessions, towards the salaries of searchers by them to be appointed by virtue of this act; and the length and number of yards, so stamped on such seals, shall be a rule of payment for every such cloth by the buyer of the same: provided, that if it shall happen, that after any cloth shall have been milled, sealed and stamped as aforesaid, any part thereof shall by any accident be damaged and taken off, such part of the same, as shall not be damaged, shall be again measured, sealed and stamped, as is before directed, and the said seal shall be affixed to that end of the cloth from whence such part was cut off.

Millman to affix a seal of lead to the cloths.

Penalty on millman offending, &c. s.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, if any owner, master, occupier or millman of any fulling-mill shall refuse or neglect to take the before-mentioned oath, or to fix such seals at each end of every woollen broad cloth, before it shall be carried from the mill, in manner and with such stamp or impression as is before directed, and to enter in a book to be kept by such master, owner, occupier or millman, a fair and true register or entry of the marks, sort, number, length and breadth of every such cloth, or shall refuse to permit and suffer any buyer or searcher of cloth to inspect the said book, in order to compare the marks, sorts, number, length, breadth and admeasurement of any or every such cloth, wherein he or they are respectively concerned, with such book or register, or if any person or persons shall afterwards take off such seal or seals, or deface, counterfeit or alter the same, before the cloth is sold to the retailer in *Great Britain*, or is sent beyond the seas, except the millman who milled the said cloth, or some other sworn millman, who is in that case also to register the same in manner as aforesaid, every person or persons so offending, being thereof lawfully convicted upon the oath of one or more credible witnesses or witnesses, before one or more such justice or justices for the said riding, or any corporation within the same, shall for every such neglect or offence, forfeit the sum of five pounds, to be recovered and distributed as is afterwards provided for by this present act.

V. Pro-

V. Provided, That in case such merchant or buyer shall have cause to suspect the real and true lengths and breadths of such cloth or cloths not to be the same as stamped upon such seal or seals, such merchant or buyer shall and may for proof thereof have the liberty, within six days after delivery thereof, and upon two days notice given in writing to the seller or maker of such cloth, unless it be otherwise agreed by the mutual consent of the buyer and seller, to put such cloths into water for any time not exceeding four hours, and afterwards to cause the same to be measured by any two indifferent persons to be appointed and chosen, one by the buyer and the other by the seller of such cloth; and in case they disagree in ascertaining the length and breadth of the said cloth, then the said admeasurements shall be made by a third person, to be chosen and nominated by the said two persons appointed as aforesaid; and in case the said two persons shall neglect or refuse to choose and nominate such third person within the space of two hours, or if such third person so chosen shall refuse or neglect to take upon him the admeasurement of the said cloth, at the request of the buyer or seller thereof, then a fit person shall be nominated and appointed by the next justice of the peace or chief magistrate of the place where the said cloth shall happen to be sold, to make such admeasurement; which said justice of the peace or chief magistrate is hereby authorized and required to appoint and swear such person, truly to admeasure the same, and the person so appointed shall be and is hereby obliged to be sworn, and to act for the purposes aforesaid, on pain of forfeiting the sum of forty shillings, on conviction before such justice of the peace or chief magistrate, to be levied by his warrant, by distress and sale of the goods and chattels of such offender; and if, upon such admeasurement last mentioned, there shall be found a less or smaller quantity of cloth in length, or a less or smaller quantity in breadth, in more than one fifth part of the length than is mentioned in the seal or seals before directed to be affixed to such cloth, in every such case every clothier, owner or seller of such cloth, shall forfeit the sixth part of the value of every such cloth to the poor of the parish where such cloth shall be found to be defective, and the said forfeiture shall be paid by the buyer of such cloth to the overseer of the poor of such parish, for their use, and by such buyer to be deducted and retained out of the price of such cloth so found wanting in measure as aforesaid, upon paying for the same, after certificate of such defect made by the person or persons measuring the same, and oath made thereof by such person and persons, before any justice of the peace of the said riding, or any corporation within the same, which oath in such case, such person and persons are required to make, and such justice is required to administer, and thereof to give a certificate to such person or persons taking the said oath, without fee or reward; and all such sums of money which the clothier, owner or seller of any such cloth shall forfeit and pay on account of such fraudulent seal or seals of such master, owner, occupier or millman of such

Buyer may
wet the cloths,
and measure
them, &c.

Penalty for
false measure.

fuch mill, being fixed to the said cloth, shall, upon demand, be repaid by said master, owner, occupier or millman of the said fulling-mill, who affixed or caused to be affixed the said seals, to such clothier, owner or feller of such cloth, and upon refusal to be recovered and levied as is herein after provided.

Millman to
affix new seals.

VI. And be it enacted by the authority aforesaid, That, if upon such admeasurement the seals affixed by the millman are found not to contain the just lengths and breadths of such cloths, in such case the clothier shall be obliged to carry it back to the millman, where it was before stampd, in order to affix on the said cloths new seals, to be made and affixed as aforesaid, which shall contain the true lengths and breadths of the said cloth, and that the said measurer or measurers shall have and receive from the buyer of such cloth six pence, and no more, for every piece of cloth which shall be by him or them so measured.

Merchant
may return
defective cloth
to the clothier.

VII. And be it enacted by the authority aforesaid, That, if upon such admeasurement as is last mentioned, any cloth so measured shall be found not to be of the respective breadths, or shall exceed the lengths herein before-mentioned, directed and prescribed, or in case upon such admeasurement there shall be found a less or smaller quantity of cloth in length, or a less or smaller quantity in breadth, in more than one fifth part of the length than is mentioned in the seal or seals before directed to be affixed to such cloth, in every such case the merchant or buyer of such cloth, which shall be so found to be fraudulent and defective as aforesaid, shall be at liberty, within three days after such admeasurement, to return such fraudulent or defective cloth to the clothier or other person who sold the same, who thereupon is hereby required to repay unto such merchant or buyer all such money, charges and expences as he shall have paid or been put unto, for or by reason or means of such defective or fraudulent cloth, the same to be ascertained by the oath of such merchant or buyer, before any justice of the peace of the said riding or corporation as aforesaid, to be recovered upon his refusal, by warrant under the hand and seal of one or more justice or justices of the peace, not being a dealer in woollen cloth, by distress and sale of the goods and chattels of the person so refusing.

Clothier to af-
fix his mark
on his cloths,
on pain of 5 l.

VIII. And be it further enacted by the authority aforesaid, That every clothier and maker of such cloth shall, at the time of making thereof, weave or sew into the head of the cloth, in distinct letters and words, plain to be read, at length, the name and place of abode of such clothier and maker: and, if any clothier or maker of such woollen broad cloth shall, after the said twenty fourth day of *June*, expose to sale any cloth without such seals as before directed, or without such name and place of abode, so woven or sewed into such cloth in words at length, plainly to be seen and read, such clothier or maker so offending, and being thereof lawfully convicted upon the oath of any one or more credible witness or witnesses, made before any such justice

justice or justices of the peace for the said riding, or any corporation within the same (he being no dealer in cloth) who is hereby authorized to administer the said oath, shall forfeit the sum of five pounds for every such piece of cloth; and if any person or persons whatsoever shall willingly take off, alter, counterfeit, deface, obliterate or cut out, any of the aforesaid seal or seals of lead, so fixed and riveted to such end or half cloth, or to such long or whole cloth, or the figures, letters and words thereon stamped, made or set, or therein woven or sewed, before the cloth be sold to the retailer or consumer thereof, for the consumption of *Great Britain*, or be exported beyond the seas, every person or persons so offending, and every person in whose custody any such cloth without seals, or with the seals defaced, altered, cut out or obliterated, before it be sold to such retailer, or be exported beyond the seas, shall be found, being thereof lawfully convicted, for every such offence shall forfeit the sum of five pounds.

Cutting out the seals before sale, forfeits 5l.

IX. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, after the said twenty fourth day of *June*, shall, over and beyond the measure set and contained in the said seal or seals, stretch or strain, procure or cause to be stretched or strained, any end or half-cloth, more than one yard in length, or any whole or long cloth, more than two yards in length, or any piece of the said broad cloth, more than one inch in every quarter of a yard in the breadth, every such person or persons so offending, and being thereof lawfully convicted, shall, for every half-yard in length, and every inch in breadth so over stretched or strained as aforesaid, forfeit the sum of twenty shillings, to be levied by warrant or warrants under the hand and seal, or hands and seals of any justice or justices of peace for the said county, riding, city, liberty or place where the offence shall be committed, not being a merchant or trader in the woollen manufacture.

Overstretching the cloth forfeits 20s. for every half-yard in length, &c.

X. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, every woollen broad cloth made within the west-riding of the said county of *York*, whether the same be called an end or half-cloth, or a long or whole cloth, shall throughout be dressed in all parts alike, not only at the sides or edges next to the list, (as hath of late years been the custom) but also in the middle, and at the edges, from end to end, that is to say, That the middle of the cloth, and so throughout the whole, from end to end, have the same work or dressing, the one part equal with the other; and in order to discover such abuses, every cloth-dresser or cloth-worker is hereby obliged to affix or cause to be affixed at the head end of every such cloth dressed by him or them, a seal of lead, and shall rivet the same, and stamp his name in words at length thereupon, that it may be thereby discovered who the dresser of each cloth shall be, that the work may be done and performed as aforesaid, every person

Worker to affix at the head end his mark.

so offending shall, for every such neglect or offence, forfeit the sum of five pounds.

Penalty, 5*l.*

The lengths of yards to be numbered on the tenters, on pain of 5*l.*

XI. And, for the better and more easy discovery of the undue stretching and straining of cloth, be it further enacted by the authority aforesaid, That every owner or proprietor of any tenter or tenters in the said west-riding of the said county of York shall, and he is hereby required to measure such tenter or tenters, as shall be made use of for tentering of cloth, and to mark or number in figures, plain and fair to be seen, the true length of yards of each tenter or tenters, beginning at number I. and so continuing it to the end thereof, marking and numbering each yard, distinctly, plainly and fairly to be seen upon the top bar belonging to each tenter on the fore-side thereof; and if any such tenter or tenters shall, after the twenty fourth day of *June* one thousand seven hundred and twenty five, be found not to be measured and truly marked and numbered as aforesaid, the owner or proprietor of such tenter or tenters shall forfeit and pay the sum of five pounds for each tenter that shall be found not so numbered and marked as aforesaid; such penalty to be levied and recovered as any other penalty is hereby directed to be recovered and levied.

Quarter-sessions yearly to chuse searchers to inspect the mills:

XII. And be it further enacted, That the justices of the peace for the said west-riding of the said county of York shall at their quarter-sessions of the peace to be holden for the said west-riding, next after *Midsummer* next, and afterwards at their general quarter-sessions of the peace to be holden next after *Easter*, yearly and every year, choose and appoint so many men of good character and repute within the said riding, as they shall think reasonable, to be searchers for the year ensuing, and may allow to each of them a salary, not exceeding fifteen pounds *per annum*, to be paid out of the money as shall be received by the treasurer of the said west-riding as before directed; which said searchers shall and may, by the direction and authority of any one of the said justices of the peace of the said west-riding, or any corporation within the same, have full power, at all seasonable and convenient times, to enter and inspect in the day-time, (*Sundays* excepted) the mill and mills of any clothier or other person for milling of cloth, and, if he or they think fit and reasonable, to measure the length and breadth of any cloth he shall find there, before it be carried from thence; and all and every such searcher and searchers, before he or they shall enter upon the execution of his and their said office, shall take the following oath, before any such justice of the peace, *videlicet*;

Their oath.

I A. B. do swear, That I will well and truly execute the office of a searcher of broad woollen cloth, within the west-riding of the county of York, according to the laws and statutes of this realm, and according to the best of my skill and knowledge.

So help me God.

XIII. And

XIII. And it shall and may be lawful for every such searcher and searchers, from time to time, as occasion shall require, more especially when directed and required by any such justice or justices of the peace for the said riding, or any corporation within the same, in writing under his or their hands so to do, in the day-time to enter into any house or houses, shop or shops, out-house or out-houses, tenter-grounds or the warehouse of any merchant or merchants, seller or sellers, or any other dealer in cloth, or the mills of any such, or any out-house or out-houses belonging thereto, within the said riding, to search for any woollen broad cloth, which shall be stretched and strained beyond the lengths or breadths aforesaid, or any alteration in the seal or seals, contrary to the direction, true intent and meaning of this present act; and, for the better discovering of such abuse, to measure or cause to be measured, any such cloth which he shall suspect to be so overstretched or strained in length or breadth as aforesaid; and in case of resistance or refusal by any person, to permit and suffer such searcher or searchers to enter the said places, or any of them, for the purposes aforesaid, the person so resisting or refusing shall forfeit the sum of ten pounds on conviction thereof before any such justice; and if such searcher or searchers shall at any time find any woollen broad cloth (after it hath been tented) without the seal or seals hereby directed to be put, or such seal or seals defaced, counterfeited, altered or pulled off, except it shall appear that such seal or seals was or were accidentally lost or maliciously taken off, and that it shall appear the said cloth hath not been unduly stretched or strained when put into water, or that any of such cloths appears by the mark or stamp, or such seals, to be overstretched or strained, either in breadth or length, beyond the dimensions allowed of and provided for by this present act, or that the name and place of abode of the maker of such cloth shall be cut out or altered, in such case the owner of such cloth shall, for every such offence, forfeit the sum of five pounds.

They may enter into houses, &c. to search for frauds, on pain of 10l.

On discovery of frauds owner to forfeit 5l.

XIV. Provided, and be it enacted, That if any such searcher or searchers, appointed as aforesaid, do or shall act therein against his or their said oath or oaths, he or they, being convicted thereof in manner aforesaid, shall forfeit and lose the sum of twenty pounds.

Penalty on searchers acting against their oaths, 20l.

XV. Provided also, That nothing herein contained shall extend or be construed to extend to give any power or authority to such searcher or searchers (to be appointed pursuant to this act) to search and examine such broad cloths as shall be pressed and packed up for exportation, unless such searcher or searchers shall be first authorized and empowered by warrant, under the hand and seal of one or more of such justice or justices of the peace as aforesaid, made upon information upon oath of one or more credible person or persons, that he or they have good reason to suspect, and verily believe, that some fraud hath been committed in the cloth so pressed and packed up, contrary to the direction, true intent and meaning of this act: and if, upon the searching

Searchers not to examine cloths packed for exportation.

and examining such packed up cloth, no such fraud as aforesaid shall be found, then and in such case such informer or informers are hereby directed to pay unto such merchant or dealer in cloth, whose cloth shall be so opened and searched, after it hath been so pressed and packed up, five shillings for every cloth which shall be so unpacked, towards the damage that such merchant or dealer shall sustain by such causeless or malicious unpacking; and in default of payment thereof, the same to be levied in such manner as any other penalties are hereby directed to be levied.

Cloth-dresser stretching the merchants cloths, or altering the seals, to repay the merchant the penalties.

XVI. And be it further enacted by the authority aforesaid, That if any cloth-dresser or cloth-worker, to whom any cloth or cloths shall be committed or delivered by any merchant or merchants, or any other buyer of cloths, to be dressed, shall, after the said twenty fourth day of *June*, be guilty of stretching and straining the said cloths further than by this act is prescribed, or shall alter, deface, counterfeit or take off such seal or seals, whereby the merchant, buyer or owner of such cloth may be subject to any of the penalties contained in this act, that then and as often as the said merchant, buyer or owner of cloth shall pay and undergo such penalties, upon account of the said cloth-dressers or cloth-workers committing such abuses as aforesaid, the said merchant, buyer or owner of cloth, shall be repaid by such cloth-dresser or cloth-worker, who shall have committed or cause to be committed the said offence, all such sum or sums of money as he or they shall so pay as aforesaid.

None to make cloths but such wh. have served their apprenticeships to the trade, &c.

XVII. And be it further enacted by the authority aforesaid, That, from and after the twenty fourth day of *June* one thousand seven hundred and twenty five, no person or persons who shall not have served for the space of seven years as an apprentice to or in the trade of a broad clothier, or has not been in the exercise and use of such trade for the space of two years before the commencement of this act (except the widows of clothiers, and persons marrying such widows) shall make or cause to be made any broad cloth in the said west-riding, under the penalty of forfeiting ten pounds for every month that such person or persons shall continue to use or exercise the said trade of a broad clothier, to be recovered and levied in such manner as the other penalties and forfeitures in this act are to be recovered and levied. E X P.

Penalty 10l. per month.

Cards with wire not to be used in dressing cloth, on pain of 50l.

XVIII. *And whereas the using of cards, made with wire or wire-teeth, in dressing of cloth, hath by experience been found to be very prejudicial to the said woollen manufacture:* now to the end the said woollen manufacture may be improved as much as possible, be it enacted by the authority aforesaid, That if any person or persons within the said west-riding of the said county of *York* shall, from and after the said twenty fourth day of *June*, use or cause to be used in dressing of cloth any card or cards made with wire, or with teeth of iron, or any other metal whatsoever, every such person or persons so using the same, shall, for every such offence, forfeit fifty pounds: provided that information upon oath shall be given of the offences mentioned in this act, within the space of

of twenty days next after such offence shall be discovered; and all and every the offences in this act mentioned (except such for which any other remedy is hereby provided) shall be inquired of and determined, and convictions thereon made, upon oath of one or more credible witnesses or witnesses, by any one or more justice or justices of the peace, not being a dealer in woollen cloth as aforesaid, notice being first given of the charge to the person or persons therewith charged, and that all such penalties and forfeitures as shall or may happen by reason of this act, except such as are otherwise expressly disposed of, shall go and be disposed of, one half to such person or persons as shall give information of the offence, on which the conviction shall be made, and the other half to the poor of the parish where such offence shall be committed; and if any offender or offenders shall, by the space of ten days next after he or they shall be convicted of any the offences aforesaid, and have notice thereof to him, her or them given at his, her or their dwelling-house, or last place of abode, refuse or neglect to pay any forfeiture by him, her or them incurred, by reason of this act, or shall not appeal, as is herein after provided, to the quarter-sessions, then, and not before, it shall and may be lawful for the justice or justices of the peace, before whom such conviction shall be made, or any other justice or justices of the peace for the said riding, or any corporation within the same, not being a dealer in woollen cloth, upon a certificate of such conviction sent to them from the justice or justices before whom such conviction was made, who is and are hereby authorized and required to issue out one or more warrant or warrants, under his or their hands and seals, to the constable of the town or place, or bailiff or bailiffs of the liberties, wapentakes or limits where such offender or offenders doth or shall inhabit, thereby commanding him or them to levy the same by distress and sale of the offender's goods and chattels returning the overplus, if any be, after paying likewise the charges of such distress and sale, to the offender or offenders demanding the same, and where no sufficient distress can be found, to commit the offender or offenders to the house of correction within the said west-riding, there to be kept to hard labour for the space of six months.

XIX. Provided always, and it is hereby further enacted by the authority aforesaid, That, if any person or persons shall find him or herself aggrieved by any order or warrant made by any justice or justices, upon any conviction before him or them, in pursuance of this act, such person or persons may appeal to the next general quarter-sessions to be held for the said riding of the said county of *York*, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if, the justices at their said quarter-sessions shall think fit either to confirm or disannul the orders or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in cases

Offences how
to be inquired
of, &c.

Person ag-
grieved may
appeal to the
quarter-ses-
sions,

of appeals from any order of the justices of the peace to the sessions whose order herein shall be final.

All actions on this act to be laid in com' Ebor'.

General issue.

Publick act. Made perpetual and amended by 7 Geo. 2. c. 25. and 14 Geo. 2. c. 35.

XX. And be it further enacted by the authority aforesaid, That, if any action or suit, after the commencement of this act, shall be brought, commenced, sued or prosecuted against any person or persons, by this act authorized to put the same or any part thereof in execution, in every such case the action shall be laid in the said county of York, and not elsewhere; and every such person and persons so sued or prosecuted, may to such action plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and that upon such verdict, or if the plaintiff shall be nonsuited or discontinue his action, after the defendant or defendants shall have appeared, or upon demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, for which he and they shall have the like remedy, as in cases wherein costs are by law given to defendants; and that this act shall be taken and allowed as a publick act in all courts within this kingdom; and all judges, justices and other persons are hereby required to take notice thereof as such, without special pleading the same; and that this present act shall continue in force for the term of seven years, and from thence to the end of the then next session of parliament, and no longer.

In part continued to September 1740. 6 Geo. 2. c. 37. f. 3. See 11 Geo. 2. c. 28.

CAP. XXV.

An act for enlarging the term granted by an act passed in the sixth year of the reign of her late Majesty Queen Anne, intituled, *An act for repairing the highways* from old Stratford in the county of Northampton, to Dunchurch in the county of Warwick, and for making the same more effectual.

Act 6 Anne, c. 15. for mending Old Stratford road continued for twenty-one years, and from thence to the end of the next session of parliament. Amended 10 Geo. 2. c. 11. 13 Geo. 2. c. 5.

CAP. XXVI.

An act for more effectual disarming the highlands in that part of Great Britain called Scotland; and for the better securing the peace and quiet of that part of the kingdom.

Reciting the act 1 Geo. 1. stat. 2. c. 54.

See 16 Geo. 2. c. 29.

WHEREAS by an act made in the first year of his Majesty's reign, intituled, An act for the more effectual securing the peace of the highlands in Scotland, it was enacted, That from and after the first day of November which was in the year of our Lord one thousand seven hundred and sixteen, it should not be lawful for any person or persons (except only such persons as are therein mentioned and described) within the shires of Dunbartain on the North-side of the water of Leven, Sterling on the North-side of the river of Forth, Perth, Kincairdin, Aberdeen, Inverness, Nairn, Cro-

marty, Argyle, Forfar, Bamf, Sutherland, Caithness, Elgin
 Rofs, to have in his, her or their custody, use or bear, broad
 sword or target, poynard, whingar or durk, side-pistol or side-pistols,
 cut-throat, or any other warlike weapons, in the fields, or in the way
 coming or going to, from or at any church, market, fair, burials,
 meetings or any other occasion whatsoever, within the bounds
 of the said, or to come into the low countries armed as aforesaid: and
 if any of the said person or persons above described should have
 in his, her or their custody, use or bear arms, otherwise than in the said act was
 directed, every such person or persons so offending, being thereof law-
 convicted before one or more justices of the peace, or before any
 judge competent of the place summarily, should, for the first of-
 fence, forfeit all such arms, and be liable to a fine not exceeding forty
 pounds sterling, and not under five pounds sterling, and to be im-
 prisoned till payment of the said fine, which, if not instantly paid af-
 ter commitment, the said fine might and should be levied out of the
 offender's goods and estate, by warrant of the judge, who should pro-
 ceed any such sentence, to be applied in such manner as by the said
 act was directed, and the offender should be further liable to a month's
 imprisonment; and, being convicted for a second offence, before the
 justice of the peace, or before the judges at their circuits, should for-
 feit such arms, and be liable to a fine not exceeding eighty pounds ster-
 ling, nor under ten pounds sterling; and for every subsequent offence, to
 the double of the former, to be levied and applied, as by the said
 act was directed; and that, for the want of payment of any such fine,
 sufficient distresses to satisfy the payment of it, the offender should
 be liable to be transported to any of his Majesty's plantations beyond the
 sea, there to remain for the space of seven years, as by the said act,
 in relation being thereunto had, may at large appear. And whereas, not-
 standing the said recited act, many persons within the said seven-
 shires and bounds still continue possessed of great quantities of
 and warlike weapons, which they use and bear as formerly, and
 with, in contempt and defiance of the laws of the kingdom, com-
 mit many robberies and depredations, oppose the due execution of justice
 by robbing, outlaws and persons attainted of high treason for the
 unnatural rebellion, and collect, for their own use, the rents of
 lands forfeited by such attainted persons, and belonging to the publick,
 to the dishonour of the government, and the terror and great loss of his
 Majesty's faithful subjects inhabiting in that part of the kingdom:
 for putting a stop to the said present mischiefs, and for
 preventing the like in time to come, be it enacted by the King's
 most excellent majesty, by and with the advice and consent of
 his lords spiritual and temporal and commons, in this present
 parliament assembled, and by the authority of the same, That
 from time to time, and at all times hereafter, it shall and may
 lawfully to and for the lord lieutenant of every one of the said
 shires, or to and for any such other person or persons as his Ma-
 jesty, his heirs or successors, shall, by his or their sign manual,
 from time to time, think fit to authorize and appoint in that
 behalf, to cause letters or summonses to be issued in his Majesty's
 sign manual, and under his or their respective hands and seals, directed

Lords lieutenants in the highlands, or others deputed under the sign manual,

may summon the clans to bring in their arms at a place appointed.

On bearing arms afterwards to be delivered over to serve as soldiers in his Majesty's dominions beyond sea.

ed to such of the clans and persons within the said several shires and bounds, as he or they, from time to time, shall think fit, thereby commanding and requiring all and every person and persons of or belonging to such clan or clans, and all and every such other persons therein named, inhabiting within the particular limits therein described, on a certain day in such summons prefixed, to bring in and deliver up, at a certain place in such summons also to be mentioned, all and singular his and their arms and warlike weapons unto such lord lieutenant, or other person or persons authorized and appointed by his Majesty, his heirs or successors, in that behalf as aforesaid, for the use of his Majesty, his heirs and successors, and to be by him or them disposed of in such manner as his Majesty, his heirs and successors shall afterwards appoint; and if, at any time after the day in such summons prefixed, any person or persons belonging to the clan or clans in such summons named, or any other person or persons aforesaid in such summons mentioned, shall, by the oath of any two or more credible witnesses, be convicted before any two or more of his Majesty's justices of the peace for the shire or stewartry, where such offender or offenders reside, or is or are apprehended, of having or bearing any arms or warlike weapons after the day prefixed in such summons, such person or persons being so convicted as aforesaid, shall and may, by warrant under the hands and seals of such justices of the peace, be forthwith committed to such safe custody as in the said warrant shall be expressed, to be there kept and detained without bail, until the said justices of the peace shall cause him or them to be delivered over (as they are hereby respectively impowered and required to do) unto such officer or officers belonging to the forces of his Majesty, his heirs and successors as shall be appointed, from time to time, to receive such men, within every such shire or place respectively, to serve as soldiers in any part of his Majesty's dominions beyond the seas, for which purpose the respective officers who shall receive such men, shall then cause the articles of war against mutiny and desertion to be read to him or them in the presence of such persons as shall so deliver over such men unto such officers respectively, who shall cause an entry or memorial thereof to be made, together with the names of the persons so delivered over, and a certificate thereof in writing under their hands and seals, to be delivered to the officers appointed to receive such men; and, from and after reading the said articles of war, every person so delivered over to such officer, to serve as a soldier in his Majesty's dominions beyond the seas, shall be deemed a listed soldier to all intents and purposes, and shall be subject to the discipline of war, and in case of desertion shall be punished as a deserter.

II. *And because divers evil-minded persons may take upon them, in disobedience to this present act, to hide and conceal the arms which they are commanded to deliver up, in hopes of escaping the punishment due to their offence, from the difficulty of bringing proof that the arms were so hidden and concealed by them, be it therefore enacted by the*

authority aforesaid, That if after the days severally to be prefixed for delivering up of arms, in execution of this act, any arms or warlike weapons whatsoever shall be found hidden or concealed in any dwelling-house, barn, office, house, out-house or any other house whatsoever, within the limits summoned to deliver up arms as aforesaid, the tenant or possessor of such dwelling-house, and to whose possession such barn, office, house, out-house or other house belongs, shall be deemed and taken to be the haver of such concealed arms, in contempt of this present act, and, being thereof convicted in manner above mentioned, shall, if a man, suffer the penalties hereby above enacted; and if the tenant or possessor of such house where arms are so found, shall be a woman, she being thereof convicted in manner above mentioned, shall, by warrant of the justices of the peace, before whom she shall be so convicted, suffer imprisonment for the space of two years, within the *Tolbooth* of the head burgh of the shire or stewartry, in which she shall be convicted, and shall be further liable to be fined by the said justices of the peace, according to their discretion, in any sum not exceeding one hundred pounds, lawful money of *Great Britain*; unless such tenant or possessor, in whose house, barn, office, house, out-house or other house by them possessed, such arms shall be found concealed, do give sufficient evidence to the satisfaction of the said justices of the peace, before whom he or she shall be tried, that such arms were so hid and concealed without his or her connivance, privity or knowledge; and if any person or persons whatsoever shall be accessory or privy to the hiding or concealing such arms in the fields, or in any other place whatsoever, he, she or they being thereof lawfully convicted before any two or more justices of the peace as aforesaid, shall suffer the penalties respectively above enacted.

If arms be found hidden in those limits, the possessors, if a man, shall suffer the said penalties;

If a woman, shall be imprisoned for two years, and fined, not exceeding 100l.

Accessaries.

III. And to the intent that all and every clan and clans, and other person and persons named, described or concerned in such summons, may have due notice thereof, and to prevent all questions concerning the legality of such notice, it is hereby further enacted by the authority aforesaid, That such summons shall, notwithstanding the generality thereof, be deemed sufficient, if it express the clan or clans that are commanded to deliver up their weapons, or the lands, limits and boundings, the inhabitants whereof are to be disarmed, and that it shall be a sufficient and legal execution or notice given of the said summons, if it is affixed on the door of the parish church or parish churches of the several paroches, within which the lands, the inhabitants whereof are to be disarmed, lie, on any *Sunday*, betwixt the hours of ten in the forenoon and two in the afternoon, four days at least before the day prefixed for delivering up the arms, and on the market-cross of the head burgh of the shire or stewartry, within which the said lands lie, eight days before the day appointed for the said delivery of the arms; and in case the person or persons employed to affix the said summons on the doors of the several parish churches, or any of them, shall be intercepted, molested or forcibly hindered to affix the said summons on the doors of the said churches, or

Summons sufficient, if it express the clan, or the limits, and affixed on the parish church door,

and on the market-cross.

any

any of them, upon oath made to the effect aforesaid, before any of his Majesty's justices of the peace, the summons affixed on the market-cross of the head burgh of the shire or stewartry as aforesaid, shall be deemed and taken to be sufficient notice to all the persons commanded thereby to deliver up their arms; and they, upon their neglect or disobedience, shall suffer and be liable to the conviction and penalties above expressed, in the same manner as if the summons had been regularly affixed on the doors of the several parish churches.

Person employed to affix the summons to make oath that he hath so done,

or that he was forcibly hindered.

Oaths and duplicates of the summons to be entered in the sheriffs books.

Sheriff clerk not making such entry, &c. forfeits his office and 100l.

Lord lieutenant, &c. may appoint persons to search for arms.

IV. And to the end that sufficient evidence may remain, in all time to come, of the execution or notice given of the summons for disarming the several clans and districts as aforesaid, it is further enacted by the authority aforesaid, That upon the elapsing of the said several days to be prefixed for delivering up arms, the person or persons employed to affix copies of the summons above mentioned, on the market-cross of the head boroughs of any shire or stewartry, shall, before any one of his Majesty's justices of the peace for the said shire or stewartry make oath, that he or they did truly execute and give notice of the same, by affixing it as aforesaid; and the person or persons employed to affix the said summons on the doors of the parish church or parish churches, shall make oath in the same manner and to the same effect, or otherwise shall swear, That he or they were intercepted, molested or forcibly hindered to affix copies of the said summons as aforesaid; which oaths, together with full copies or duplicates of the summons, to which they severally relate, shall be delivered to the sheriff or steward clerk of the several shires or stewartries, within which the lands, intended to be disarmed, lie, who shall enter the same in books which he and they is and are hereby required to keep for that purpose; and the said books in which the entries are so made, or extracts out of the same, under the hand of the sheriff or steward clerks, shall in all time to come be deemed and taken to be full and complete evidence of the execution of the summons, in order to the conviction of the persons who shall neglect or refuse to comply with the same.

V. And be it further enacted, That if any such sheriff or steward clerk neglect or refuse to make such entry as is above mentioned, or shall refuse to exhibit the books containing such entries, or to give extracts of the same, being thereto required by any person or persons, who shall carry on any prosecutions as aforesaid, the clerk so neglecting or refusing shall forfeit his office, and shall be further liable to a fine of one hundred pounds sterling, to be recovered upon a summary complaint before the court of session, for the use of his Majesty, his heirs and successors.

VI. And it is further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord lieutenant of any of the shires aforesaid, or the person or persons authorized by his Majesty, as above mentioned, or for any two or more justices of the peace, by warrant under his or their hand and seal,

to authorize and appoint any person or persons whom he or they shall think fit, to enter into any house or houses, within the limits aforesaid, either by day or by night, and there to search for and seize all such arms and warlike weapons, as shall be found contrary to the direction of this act; provided, That if the said search shall be made in the night-time, between sun-setting and sun-rising, it shall be made in presence of a constable, and if any persons, to the number of five or more, shall at any time assemble together to obstruct the execution of any thing hereby required to be executed, it shall and may be lawful to and for every lord lieutenant, deputy lieutenant, or justice of the peace where such assembly shall be, and also to and for every peace-officer within any such shire, stewardry, city, borough or place where such assembly shall be, and likewise to and for all and every such other person or persons as by his Majesty, his heirs and successors, shall be authorized and appointed in that behalf as aforesaid, to require the aid and assistance of the forces of his Majesty, his heirs and successors, by applying to the officer commanding the said forces, and all other his and their loving subjects (who are hereby authorized, impowered and commanded to give such aid and assistance accordingly) to suppress such unlawful assembly, in order to the putting this act in due execution, and also to seize, apprehend and disarm, and they are hereby required to seize, apprehend and disarm such persons so assembled together, and forthwith to carry the persons so apprehended before any one or more of his Majesty's justices of the peace of the shire or place where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and that if the persons so unlawfully assembled, or any of them, or any other person or persons summoned to deliver up his or their arms, in pursuance of this act, shall happen to be killed, maimed or hurt, in the dispersing, seizing and apprehending, or in the endeavouring to disperse, seize or apprehend them, by reason of their resisting the persons so dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, that then all and every such lord lieutenants, deputy lieutenants, justice or justices of the peace, or any peace officer or officers, and all and every person and persons authorized and appointed by his Majesty, his heirs and successors in that behalf as aforesaid, and all and singular soldiers and other persons, being aiding and assisting to him, them, or any of them, shall be freed, discharged and indemnified, as well against the King's majesty, his heirs and successors, as against all and every other person and persons, of, for or concerning the killing, maiming or hurting any such person or persons so unlawfully assembled, that shall be so killed, maimed or hurt as aforesaid.

On opposition
the forces to
assist.

All persons
indemnified in
maiming or
killing such
opposers.

VII. And be it further enacted by the authority aforesaid, That if any action, civil or criminal, shall be brought before any court whatsoever against any person or persons for what he or they shall lawfully do in pursuance or execution of this act,

All courts to
allow defend-
ants the in-
demnity, &c.

such

such court shall allow the defender the benefit of the discharge and indemnity above provided, and shall further decern the pursuer to pay to the defender the full and real expences, that he shall be put to by such action or prosecution, threefold.

No peers or parliament men, &c. liable to be summoned.

VIII. Provided nevertheless, and be it further enacted by the authority aforesaid, That no peers of this realm, nor their sons, nor any members of parliament nor any person or persons who, by the act above recited of the first year of his Majesty, were allowed to have or carry arms, shall by virtue of this act be liable to be summoned to deliver up their arms or warlike weapons, nor shall this act be construed to extend to exclude or hinder any other person, whom his Majesty, his heirs or successors, by licence under his or their royal sign manual, shall permit to wear arms, or who shall be licenced to wear arms, by any writing or writings under the hand and seal, or hands and seals of any person or persons authorized by his Majesty, his heirs or successors, to give such licence, from keeping, bearing, or wearing such and so many arms and warlike weapons, as in such licence or licences, or either of them, shall for that purpose be particularly specified.

3 Geo. 1. stat. 2. c. 54. None shall be sued for bearing arms before the summons except he refuse to deliver them up.

IX. And to the end that no person or persons intended to be disarmed, may be discouraged from delivering up their weapons, from the apprehension of the penalties and forfeitures, which they may have incurred through their neglecting to comply with the directions of the act above recited of the first year of his Majesty, intituled, *An act for the more effectual securing the peace of the Highlands of Scotland*; be it therefore further enacted, That from and after the time of affixing any such summons as aforesaid, no person or persons, residing within the bounds therein mentioned, shall be sued or prosecuted for his or their having, or having had, bearing, or having born arms, at any time before the several days to be prefixed or limited by summons as aforesaid, for the respective clans and districts to deliver up their arms; but if any person or persons shall refuse or neglect to deliver up their arms, in obedience to such summons as aforesaid, or shall be afterwards found in arms, he and they shall be liable to the penalties and forfeitures of the statute afove recited, as well as to the penalties of this present act.

Times for putting in execution sentences importing a capital or corporal punishment.

X. And to the intent that no person or persons whatsoever, who shall be convicted by any civil Magistrate, or court of judicature, within that part of *Great Britain* called *Scotland*, of any crime, importing a capital or any other corporal punishment, may be grieved by the over hasty execution of such sentence, without allowing time for application to his Majesty, or to his heirs and successors, for his or their gracious pardon; be it enacted by the authority aforesaid, That from and after the first day of *June* one thousand seven hundred and twenty five, no sentence or judgment of any civil magistrate, or court of judicature, importing a capital or any corporal punishment, if pronounced in *Edinburgh*, or any other part of *Scotland* to the southward of the *Frith*, or river of *Forth*, shall be put to execution

cution within less than thirty days after the date of such sentence: and if pronounced in any place to the northward of the said *Frith* or river of *Forth*, shall be put to execution within less than forty days after the date of such sentence: provided nevertheless, that nothing herein contained shall hinder or disable the courts of judicature, or any other civil magistrate within *Scotland*, to commit to gaol, and detain in custody, in order to trial, or in order to the execution of sentence, as they by law might have done before the making of this act.

Judgment for corporal punishment less than death, &c. may be executed after eight days, &c. 3 Geo. 1. c. 32. sect. 2.

XI. *And whereas it is found by experience, that the sums for which bail is to be taken on any criminal information, in that part of Great Britain called Scotland, in pursuance of the act of parliament made there in the year one thousand seven hundred and one, intituled, An act for preventing wrongous imprisonment, and against undue delays in trial, are too small and disproportioned to the danger, of the criminals escaping from the punishment appointed by law, extending no higher than to the sum of six thousand merks for a nobleman, three thousand merks for a landed gentleman, one thousand merks for any other gentleman or burgesis, and three hundred merks, all money of Scotland, for any other inferior person; be it therefore enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty five, it may and shall be lawful to and for all and every magistrate, judge, and court of judicature within Scotland, who by the said act above recited, were, in case of criminal informations and accusations, directed to limit the bail by them to be taken to the several and respective sums above mentioned, to extend the bail to be given in the said several and respective cases to double the sums provided by the aforesaid act, if he or they upon the circumstances of the case shall think fit.*

Magistrates may extend the bail in criminal information to double the sums in the act made 1701.

XII. *And whereas for want of a sufficient fund for defraying the charges of apprehending criminals in North Britain, and of subsisting them when apprehended, until prosecution, and of carrying on the necessary prosecutions against them, it often happens, that criminals there escape the punishment due to their offences; for preventing of which inconveniences for the future, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the freeholders of every shire, county or district in North Britain, to assess the several shires or stewartries where their estates lie, at their meetings at any of their head courts yearly, in such sums as they shall judge reasonable and sufficient for the purposes aforesaid; and that such monies so from time to time to be assessed shall be collected, received and accounted for by such person and persons, and in such manner, as such freeholders shall from time to time appoint, and shall be applied for defraying the charges of apprehending of criminals, and of subsisting them in prison until prosecution, and of prosecuting such criminals for their several offences by due course of law, and to and for no other use or purpose whatsoever.*

How the charges of apprehending criminals, &c. shall be defrayed.

XIII. Provided always, and it is hereby enacted and declared by the authority aforesaid, That so much of this act, and of all

Continuance.

and

and every the clauses and provisos herein contained, which are mentioned, or intended to put a stop to, and for preventing for the future the mischiefs in this act first recited, and which concern and relate to the summoning and disarming the persons herein before mentioned and intended to be disarmed, shall be, remain and continue in full force and virtue, for and during the full term of seven years, and from thence to the end of the then next session of parliament, and no longer; any thing herein before said or contained to the contrary in any wise notwithstanding.

CAP. XXVII.

An act for enlarging the term granted by an act passed in the fifth year of the reign of her late majesty Queen Anne, intituled, *An act for repairing the bigways between Sheppards-Shord and the Devizes, and between the top of Ashlington-hill and Rowdsford in the county of Wilts;* and for explaining the said act, and making the same more effectual and extensive.

The act 5 Ann. c. 26. from 8 April 1728. to be in force for the purposes of that act, and for repairing Stert Stone road, for 21 years longer. Continued by 13 Geo. 2. c. 14.

CAP. XXVIII.

An act for the better regulating of buildings, and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned.

Reciting the acts 6 & 7 Ann. c. 31. for preventing fire.

I. **W**HEREAS by an act made in the sixth year of the reign, of her late majesty Queen Anne, intituled, *An act for the better preventing mischiefs that may happen by fire, it is, amongst other things enacted, That from and after the first day of May one thousand seven hundred and eight, all and every house and houses, that shall be erected and built, either upon old or new foundations in any place or places in and about the cities of London and Westminster, or other parishes or places comprized within the weekly bills of mortality, shall have party-walls between house and house wholly of brick or stone, and of two bricks thick at the least in the cellar and ground stories, and thirteen inches thick upwards from the foundation quite through all the stories of each house, and eighteen inches above the roof, and that no mundillion or cornish of timber or wood under the eaves shall thereafter be made or suffered in any such new house or houses, but that all front and rear walls of every house and houses shall be built of brick or stone, to be carried two foot and a half above the garret floor, and coped with stone or brick, under the penalty therein mentioned: and whereas by another act made in the seventh year of the reign of her said late Majesty (for making more effectual the said act) it is, amongst other things enacted, That from and after the first day of May one thousand seven hundred and nine, all and every house and houses, that shall be erected and built, either upon old or new foundations, in any place or places in and about the cities of London and Westminster, or other parishes or places comprized within the weekly bills of mortality (except houses on London-Bridge,*

and

7 Ann. c. 17.

and on the river of Thames below bridge,) shall have party-walls between house and house, wholly of brick or stone (except door-cases, windows, lentils, breast-summers, story-posts, and plates) of two bricks thick at the least in the cellar, and one brick and a half thick upwards to the top of the garret floor, and all gable-ends to be one brick in length, and eighteen inches above the roof, and to have no beams or rafters lie or stand, or to be in the brick works of the gable-ends: and for preventing suits about differences in party-walls, it is therein further enacted, That all party-walls shall be built nine inches on each man's ground, whether the old party-wall be brick, stone or timber, and that the first builder shall have power to pull down the same, and build up the new party-wall as aforesaid, and be paid by the owner of the next house after the rate of five pounds per rod, as soon as he shall have built the said party-wall; and for all houses thereafter to be built, that do not yield the rent of twenty pounds per annum more than the ground-rent, to be left to the discretion of the builders, provided, That all party-walls for the same be built with brick: And whereas divers doubts and disputes have arisen upon the said recited acts touching the power of the first builder to enter into the next adjoining house to shore and support the same, and at whose expence, during the time the party-wall shall be pulling down and rebuilding, as also touching what proportions of the charges of building party-walls ought to be born by the owners and occupiers of houses, having different interests therein, and other doubts and difficulties arising upon the said acts, it is necessary to explain and amend the same, and to make the said acts more effectual, may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of Builders pulling down a partition-wall, to give notice to the adjoining house.

That from and after the twenty-fourth day of June one thousand seven hundred and twenty five, all and every person or persons who shall erect or build, or cause to be erected or built, any house or houses upon any old or new foundation or foundations, in any place or places in and about the cities of London and Westminster, or any parish or place comprized within the weekly bills of mortality, or within the parish of Saint Mary la bone and Paddington, or within the parishes of Chelsea and Saint Pancras, or either of them, in the county of Middlesex, (except houses on London-bridge and on the river of Thames below bridge,) and who shall think it necessary to pull down any partition-wall between such house and the next adjoining house, shall (in case the owner or occupier of such adjoining house will not, or by disability cannot agree,) give three months notice in writing to the owner or occupier of such adjoining house, to whom any part of the said wall belongs, of such his, her or their intention to pull down such party-wall, to the intent that that before such party-wall shall be pulled down, the same may, To be viewed by four workmen.

within the space of one month next after such notice, be viewed by four or more able workmen, two or more of which workmen shall be named by such first builder, and the other two or more

by

6 Ann. c. 37.
7 Ann. c. 17.

Workmen to certify to quarter-sessions the defect.

by the owner or tenant or occupier of such next house to that which is intended to be pulled down; and in case either of the said parties shall refuse or neglect to name within three weeks (next after such notice) such workmen, that then the other of the said parties shall name four or more workmen, who shall view the party-wall intended to be pulled down, and (without consent) the same shall not be pulled down, unless in any of the cases aforesaid, the major part of such workmen shall certify in writing under their hands, to the justices of the peace in the next general or quarter sessions of the peace to be holden for the city or county, where such party-wall is intended to be pulled down, that such party-wall is defective and ruinous, and ought to be pulled down; and in case any person or persons shall think him, her or themselves aggrieved by any such certificate, such justices shall, upon complaint to them made, summon before them one or more of such workmen, and such other person or persons, as they shall think fit, and shall examine the matter upon oath (which oath or oaths they are hereby empowered to administer) and upon such examination or examinations the said justices are hereby authorized and required to make such order or orders in the premises, as they in their discretions shall think to be just and reasonable, and the determinations of the said justices shall be final and conclusive to all parties without any appeal from the same.

Owner of the next house not shoring, first builder may,

II. And be it further enacted by the authority aforesaid, That if within three days after such certificate made by workmen as aforesaid, a copy thereof shall be delivered to the owner or occupier of such next adjoining house, or left there, and there shall be no appeal from the same within the time aforesaid, in every such case, if such owner or occupier shall neglect or refuse to shore and support his, her or their houses within six days after the time allowed by this act for appeal as aforesaid, That then it shall and may be lawful to and for such first builder or builders, giving notice as aforesaid, to enter into such house or houses (at all seasonable times) with workmen and materials, to shore and support the same, and shall shore and support the same at the charge and expence of such owner or occupier; and after the same shall be so shored and supported, it shall and may be lawful to and for such first builder or builders, to build up a new party-wall, according to the directions of the said recited acts, and within ten days after such party-wall shall be so built, such first builder or builders shall, in writing, leave at such next house, or with the owner or occupier thereof, a true account of the number of rods in such party-wall, and one moiety or half-part of the expence thereof, after the rate of five pounds *per* rod, shall be paid by the owner or owners of such house or houses, who are entitled to the improved rent thereof; and it shall and may be lawful to and for such tenant or occupier to pay such first builder or builders for the same, as also for the shoring and supporting the house as aforesaid, after he or they shall have built such party-wall, and to deduct the same out of the

and build up a party-wall.

the next rent that shall become due from him or her to such owner or owners, under whom he or she holds or enjoys the same, and in case of neglect or refusal to pay the expence of building the party-wall, or the expence of shoring and supporting the houses aforesaid, within one and twenty days after demand thereof, then it shall and may be lawful to and for such first builder or builders, his, her or their executors or administrators, to sue such owner or owners for such their proportions of the expences of building or rebuilding such party-wall, and shoring and supporting such house as aforesaid, by action of debt, or on the case, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

First builder may sue for the proportion of the expence.

III. And for the better preventing the spreading of fires from one house to another, be it further enacted by the authority aforesaid, That it shall not be lawful to make or have in any party-wall of any house, which after the twenty fourth day of *June* one thousand seven hundred and twenty five, shall be erected or built within the limits aforesaid, any door-case, window, lenti, breast-summer, or story-posts or plates whatsoever, unless where two or more houses shall be laid together, and so used or occupied as one house only, and during the time of such usage, and no longer, upon pain that the owner or owners of any such house shall, for every such offence, forfeit the sum of fifty pounds; but it may be lawful that such door-case, window, lenti, breast-summer, or story posts or plates shall or may be fixed or put in the front of such house or building for the convenience of a shop or shops only.

No door-case, window, &c. to be in party-walls.

Penalty 50*l*.

IV. *And whereas several old houses within the cities of London and Westminster, and other the limits aforesaid, have instead of one party-wall, two old timber-walls or partitions, one belonging to each house, and separate from one another, and disputes may arise touching pulling down and rebuilding such walls or partitions, as there may be occasion,* be it enacted by the authority aforesaid, That such first builder as aforesaid, giving three months notice as aforesaid to the owner or occupier, or owners or occupiers, shall have power to pull down both the said timber-walls or partitions, and to build a new brick party-wall of such thickness and height, as is directed by the said recited acts, and to pull down and rebuild the same, and shall be paid for such party-walls in such manner, as herein before directed and appointed, subject to such appeal and determination by the justices of the peace as aforesaid.

First builder may pull down old timber walls, and build a new brick wall.

V. And be it further enacted by the authority aforesaid, That the water falling from the tops of the said houses to be built after the said twenty fourth day of *June* one thousand seven hundred and twenty five, within the limits aforesaid, and the water falling from the balconies and penthouses thereof, shall be conveyed into the channels by party-pipes on the sides or fronts of

Water from the tops of the houses, &c. to be conveyed by party-pipes.

Penalty 10l. the said houses, on pain that the owner or owners offending herein shall for every offence forfeit the sum of ten pounds.

Penalties how to be levied and disposed of. VI. And be it further enacted by the authority aforesaid, That all fines, penalties and forfeitures inflicted or imposed by this act, shall be sued for, levied and recovered in like manner, as is herein before mentioned, and one moiety or half-part thereof shall be to the informer or informers, and the other moiety thereof to the poor of the parish where such offence shall be committed.

Second builder not to take the benefit of the first builder's party-wall. VII. *And whereas divers houses are or may hereafter be built on new foundations, within the limits above-mentioned, and which stand singly by themselves, and have no house adjoining to one end or side thereof, by means whereof such builder or builders have been at the whole charge and expence of building two party-walls and a fence-wall to one and the same house, and some other person or persons may build upon the ground next adjoining to such house or houses, be it therefore enacted by the authority aforesaid, That it shall not be lawful to and for any such second builder or builders, his, her or their executors, administrators or assigns, to make use of or take the benefit of such party-wall and fence-wall, nor shall such second builder or builders, his, her or their executors, administrators or assigns, on any account whatsoever, lay any wood or timber, or cut any hole for cupboards, presses, or any other uses, in such party-wall, under the penalty of forfeiting the sum of*

Penalty 50l. fifty pounds.

VIII. *And whereas by the said recited act of the sixth year of the said late Queen there is a penalty of fifty pounds laid upon the owner and head builder or workman, who should neglect to build every house thereafter to be built according to the directions of the said recited act, one moiety whereof to be to the informer, and the other moiety to the poor of the parish wherein such buildings should be erected: and whereas persons convicted upon the said act, after they have paid the said penalty thereby inflicted, are not obliged to make good such partition-walls and defects, for which they have been prosecuted, so that the preventing the danger that may happen from fire, which the said act was designed for, will in a great measure be evaded and rendered ineffectual; and whereas since the passing of the said recited act, there has been a very great increase of buildings within the limits aforesaid, and many of the houses so built are not in every respect built according to the directions of the said recited acts, whereby the several owners and head builders thereof have incurred the said penalty, and several persons are informed against, and now under prosecution for the same, which if they are convicted for, they are not liable to make good the said defects, so that the mischiefs from fire, that by the said acts were intended to be prevented, will be defeated in all those houses so built, and many families probably be utterly ruined; and whereas the said first owners, head builders or workmen of such houses so irregularly built are willing and desirous to make good the said defects, whereby the intent of the said acts would be fully answered, provided they may be exempted from the penalties already incurred by the said former acts; be it therefore enacted by the authority*

thority aforesaid, That all such first owners, head builders or workmen, who shall, on or before the twenty ninth day of *September* one thousand seven hundred and twenty seven, make good such defects, pursuant to the directions of the said acts, and shall pay or cause to be paid to every informer or informers (if by them demanded) such their reasonable costs and charges of prosecution or suit, which shall have been so commenced (upon which no conviction shall be obtained before the tenth day of *May* one thousand seven hundred and twenty five) to be settled and fixed by three or more of such justices of the peace of the city or county where the offence hath been committed, shall not be liable to the penalties of the said acts, but shall and are hereby acquitted and discharged of and from the same; but in case such first owner, head builder or workmen shall not make good such defects, and pay such reasonable costs and charges of prosecution, so fixed and settled as aforesaid, within the time herein before limited, that then for such neglect, he, she or they shall forfeit double the penalty in the said act mentioned; and all such first owners, head builders and workmen, who shall have been convicted by virtue of the said recited acts, or either of them, before the said tenth day of *May*, and who shall not make good such defects (for which they or either of them were so convicted) before the time herein before limited for making good the same, shall notwithstanding such conviction, be further liable to the penalties of the said acts, all which penalties are to be recovered and paid in such manner, as by the said acts are directed: provided nevertheless, That in case the present owners or occupiers of such house or houses as are so defective, and built contrary to the directions of either of the said recited acts, shall refuse and deny such first owner, head builder or workmen, within the time above limited, on giving him, her or them thirty days notice at least, in writing, to be left at their dwelling house or houses, to enter into and upon the premises, and to bring materials for making good the said defects, that then upon proof made on oath before two or more justices of the peace of such denial or refusal, such first owner, head builder or workmen shall, and are hereby discharged of and from the penalties of the said recited acts and of this present act, and such present owner or occupier so denying and refusing, shall be, and is and are hereby declared subject and liable to pay the same penalties, as the said first owners, head builders or workmen should have paid; any thing herein or in the above recited acts contained to the contrary thereof in any wise notwithstanding.

IX. Provided, That whereas the said conviction for the said forfeitures was to be only before one justice of the peace, it is hereby enacted and declared, That the said conviction shall, from and after the said twenty fifth day of *June* one thousand seven hundred and twenty five, be before two justices of the peace at the least.

Builders making good the defects, and paying the informers their charges, not liable to penalties, &c. E X P.

Conviction before two justices.

C A P. XXIX.

An act to continue several acts therein mentioned for preventing frauds committed by bankrupts; for encouraging the silk manufactures of this kingdom; for preventing the clandestine running of goods; for making copper ore of the British plantations an enumerated commodity; and for explaining and amending a late act for more effectual punishment of such as shall wilfully burn or destroy ships.

WHEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring, may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fifth year of his Majesty's reign, intituled, *An act to prevent frauds committed by bankrupts*, which act was to continue in force for seven years, from the twenty sixth day of *May* one thousand seven hundred and sixteen, and from thence to the end of the then next session of parliament, shall be, and is hereby continued from the expiration thereof, for and during the space of one year, and from thence to the end of the then next session of parliament. **E X P.**

Bankrupts act
5 Geo. 1. c. 24.
continued for
one year, &c.

Act 8 Geo. 1.
c. 15. for en-
couraging silk
manufactures,
continued for
three years, &c.
Further conti-
nued by 26 Geo.
2. c. 32.

Two last clau-
ses in an act
9 Geo. 1. c. 8.
to be in force.

Act 8 Geo. 1.
c. 18. to pre-
vent running
of goods, con-
tinued for
three years,
&c. Further
continued by
21 Geo. 2. c. 33.

II. And be it further enacted by the authority aforesaid, That the several clauses for encouragement of the silk manufactures of this kingdom, and for taking off several duties on merchandizes exported, contained in an act made in the eighth year of his Majesty's reign for encouragement of the silk manufactures of this kingdom, and for taking off several duties on merchandizes exported, and for other purposes therein mentioned, which said clauses were to have continuance for three years from the twenty fifth day of *March* one thousand seven hundred and twenty two, and to the end of the then next session of parliament, shall be and are hereby continued from the expiration thereof for and during the space of three years, and from thence to the end of the then next session of parliament.

III. And be it enacted, That the two last clauses (for the more effectual preventing frauds and abuses in the said manufactures) contained in an act made in the ninth year of his Majesty's reign, for continuing some laws, and reviving others, and for other purposes therein mentioned, shall be of full force, and shall be put in execution accordingly.

IV. And be it further enacted by the authority aforesaid, That an act made in the eighth year of his Majesty's reign, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby, and to prevent ships breaking their quarantine, and to subject copper ore of the production of the British plantations to such regulations, as other enumerated commodities of the like production are subject*, which acts was to continue in force for

two

two years, from the twenty fifth day of *March* one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament, shall be and is hereby continued, from the expiration thereof, for and during the space of three years, and from thence to the end of the then next session of parliament, except so much of the same act as relates to ships or vessels performing quarentine. Exception.

V. *And whereas by an act made in the fourth year of his Majesty's reign, intituled, An act for enforcing and making perpetual an act of the twelfth year of her late Majesty, intituled, An act for preserving all such ships, and goods thereof, which shall happen to be forced on shore or stranded on the coast of this kingdom, or any other of his Majesty's dominions, and for inflicting the punishment of death on such as shall wilfully burn or destroy ships, it is amongst other things enacted, That if any owner of, or captain, master, mariner, or other officer belonging to any ship, shall after the twenty fourth day of June which shall be in the year of our Lord one thousand seven hundred and eighteen, wilfully cast away, burn, or otherwise destroy the ship, of which he is owner, or unto which he belongs, or in any manner or wise direct or procure the same to be done, to the prejudice of any person or persons that shall underwrite any policy or policies of insurance thereon, or of any merchant or merchants that shall load goods thereon, he shall suffer death.* 4 Geo. 1. c. 12.

VI. *And whereas some doubts have arisen touching the nature of the offence provided against by the said recied act, and the trial and punishment to be had and inflicted for the same, be it therefore enacted and declared by the authority aforesaid, That if any owner of, or captain, master, officer or mariner belonging to any ship or vessel, shall after the four and twentieth day of June one thousand seven hundred and twenty five, wilfully cast away, burn, or otherwise destroy the ship or vessel, of which he is owner, or to which he belongeth, or in any wise direct or procure the same to be done, with intent or design to prejudice any person or persons, that hath or shall underwrite any policy or policies of insurance thereon, or of any merchant or merchants that shall load goods thereon, or of any owner or owners of such ship or vessel, the person or persons offending therein, being thereof lawfully convicted, shall be deemed and adjudged a felon or felons, and shall suffer as in cases of felony, without benefit of clergy.* Wilful destroying ships, death.

VII. *And be it further enacted by the authority aforesaid, That if any of the said offences, in wilfully casting away, burning, or otherwise destroying any ship or vessel as aforesaid, shall be committed within the body of any county of this realm, the same shall and may be enquired of, tried, determined and adjudged in the same courts, in such manner and form, as felonies done within the body of any county, by the laws of this realm, are to be enquired of, tried, determined and adjudged; and if any of the said offences shall be committed upon the high seas, the same shall be enquired of, tried, determined and adjudged before such court, and in such manner and form, as in and by* How these offences are to be tried.

an act made in the eight and twentieth year of the reign of King Henry the Eighth, intituled, *For pirates*, is directed and appointed for the enquiring, trying, determining and adjudging of felonies done upon the high seas.

C A P. XXX.

An act for more effectual preventing frauds and abuses in the publick revenues; for preventing frauds in the salt duties, and for giving relief for salt used in the curing of salmon and codfish, in the year one thousand seven hundred and nineteen, exported from that part of Great Britain called Scotland; for enabling the insurance companies to plead the general issue in actions brought against them; and for securing the stamp-duties upon policies of insurance.

WHEREAS notwithstanding the many good laws, which have been made and passed for preventing of frauds and abuses in his Majesty's duties of excise, and other his Majesty's duties which have been put under the receipt and management of the respective commissioners of excise in Great Britain, the several and respective revenues, arising by and from the said several and respective duties, are very much lessened, by the clandestine and collusive importation of brandy, arrack, rum, spirits and strong waters, coffee, tea, cocoa nuts and chocolate, into this kingdom of Great Britain, from parts beyond the seas, without payment of any of the duties by law chargeable on the same, and the fair dealers in the said commodities much prejudiced in their trade therein: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and twenty five, it shall and may be lawful to and for the officers of his Majesty's revenue of excise, or any of them, to go on board and enter into any ship or vessel whatsoever, which shall be within the limits of any of the ports of this kingdom, and to continue on board the same, and to rummage and search in like manner, as the officers of the customs may now legally do, for all such arrack, rum, brandy, spirits or strong waters, or other exciseable liquors whatsoever, and for all coffee, tea, cocoa nuts, chocolate and cocoa paste, and to seize, for his Majesty's use, as well all such of the said commodities as shall be there found, as by the laws thereunto respectively relating shall be forfeited, together with the casks, boxes, chests, bags, or other package containing the same, and in like manner to seize such of the commodities aforesaid, every or any of them, as before due entry thereof with the proper officer or officers, and without paying or securing the duties on the importation thereof, shall be found unshipping or unshipped out of such ship or vessel, to be laid on land without entry and payment of the duties due for the same respectively, together with

After 24 June 1725. Officers of excise may go on board ships to search for brandy, &c. as custom officers legally may.

with the casks, chests, boxes, bags, or other package whatsoever containing the same.

II. And it is hereby further enacted by the authority aforesaid, That in case any officer or officers for the said duty of excise shall have cause to suspect that any foreign brandy, arrack, rum, spirits or strong waters shall be fraudulently hid or concealed in any place whatsoever, either entred for keeping the same as aforesaid, or not entred, with an intent to defraud his Majesty of the duties thereon, then and in such case, if such place shall be within the cities of *London* or *Westminster*, or within the limits of the weekly bills of mortality, upon oath made by such officer or officers before the commissioners of excise for the time being, or any two or more of them, or in case the same shall be in any other part of *Great Britain*, upon oath made by such officer or officers before one or more justice or justices of the peace for the county, riding, division or place, where such officer or officers shall suspect the same to be hid or concealed, setting forth the ground of his or their suspicion, it shall and may be lawful to and for the said commissioners, or justice or justices of the peace respectively, before whom such affidavit or affidavits shall be made, if he or they shall judge it reasonable, by special warrant or warrants under his and their respective hands and seals, to authorize and empower such officer or officers by day or by night, but if in the night-time in the presence of a constable or other lawful officer of the peace, to enter into all and every such place or places where he or they shall so suspect such foreign brandy, arrack, rum, spirits or strong waters shall be so fraudulently hid or concealed, and seize and carry away all such foreign brandy, arrack, rum, spirits or strong waters, which he or they shall then and there find so fraudulently hid or concealed, as forfeited, together with all the casks or other vessels and things wherein the same shall be contained; and if any person or persons whatsoever shall obstruct, oppose, molest, let or hinder any officer or officers of or for the said duties, or any of them, in the doing, performing or executing any of the powers or authorities by this act given to such officer or officers, every such person or persons offending therein shall for every such offence forfeit and lose the sum of one hundred pounds.

III. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five no arrack, brandy, rum, spirits or strong waters, whether *British* or foreign, shall be sold, uttered or exposed to sale, either by wholesale or retail, but when the same shall be in some or one of the warehouses, storehouses, rooms, shops, cellars, vaults or other places, entred or to be entred in pursuance of an act of parliament made in the sixth year of the reign of his present Majesty, intituled, *An act for preventing frauds and abuses in the publick revenues of excise and customs, stamp-duty and house-money*, on pain of forfeiting all such arrack, rum, spirits and strong waters which shall be so sold, uttered or exposed to sale contrary to the

Officer by special warrant may search for brandy, &c. fraudulently hid.

Obstructing officer forfeit 100l.

No brandy, &c. to be exposed to sale but in an entred place.

6 Geo. 1. c. 21.

true intent and meaning of this act, together with the casks, bottles or other vessels containing the same, over and above the penalty of forty shillings *per* gallon imposed for the said offence by the said act of the sixth year of his Majesty's reign.

Sellers of brandy, &c. having more than 6 lb. of coffee, &c. to be deemed dealers,

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five all and every person and persons whatsoever, who shall keep a publick house, shop, cellar or warehouse, for selling of brandy, arrack, rum, spirits or strong waters, and shall have in his, her or their custody, or in the custody of any other person or persons for his, her or their use, any coffee, tea, chocolate or cocoa nuts exceeding the quantity of six pounds of any of the said commodities, shall be deemed and taken to be sellers and dealers in the said commodities within the meaning of this and the said former act for charging inland duties upon coffee, tea and chocolate.

Adulterating tea forfeits it, and 100 l.

V. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five no dealer in tea, or manufacturer or dyer thereof, or pretending so to be, shall counterfeit or adulterate tea, or cause or procure the same to be counterfeited or adulterated, or shall alter, fabricate or manufacture tea with *Terra Japonica*, or with any drug or drugs whatsoever, nor shall mix or cause or procure to be mixed with tea any leaves, other than leaves of tea, or other ingredients whatsoever, on pain of forfeiting and losing the tea so counterfeited, adulterated, altered, fabricated, manufactured or mixed, and other thing or things whatsoever added thereto, or mixed or used therewith, and also the sum of one hundred pounds.

30 Geo. 1. c. 10.

VI. *And whereas by an act passed in the tenth year of the reign of his present Majesty, for repealing certain duties therein mentioned payable upon coffee, tea, cocoa nuts, chocolate and cocoa paste, and for granting inland duties in lieu thereof, and for other purposes therein mentioned, it was enacted, That the importer or importers, proprietor or proprietors, of such coffee and tea as were found in the warehouses appointed by the commissioners of the customs for the reception thereof, should, in one month next after the twenty fourth day of June one thousand seven hundred and twenty four, or upon delivery thereof out of the said warehouses before the expiration of the said month, make an entry at the custom-house of all such coffee and tea so found, and pay or secure the remaining customs or duties due thereon, or on failure thereof, that all such coffee and tea should be forfeited and lost, and in case such coffee and tea, or any part thereof, should be exported within the time allowed by law for that purpose from the importation thereof, the exporter or exporters should, on a proper debenture, be entitled to draw back all the duties paid on such importation, or the security for the same should be vacated (except half of the old subsidy.)*

VII. *And whereas a considerable quantity of coffee and tea was found in the said warehouses, which had been there upwards of three years,*

years, and for which the remaining duties were paid or secured according to the directions of the said act, part of which coffee and tea hath been exported to parts beyond the sea, and some doubts have arisen upon the making out of the debentures for drawing back the duties of such coffee and tea so exported, the exportation of which coffee and tea not being by law restrained to any particular time; for obviating of which doubts, be it enacted and declared by the authority aforesaid, That the exporters of all such coffee and tea, as have been exported since the said twenty fourth day of June one thousand seven hundred and twenty four, or shall be exported before the twenty fifth day of March one thousand seven hundred and twenty six, are and shall be entitled to draw back the respective duties so paid or secured for the same, (except half of the old subsidy;) any law, custom or usage to the contrary notwithstanding. *EXP.*

Warehoused coffee, &c. exported since 24 June 1724, or to be exported before 25 March 1726, draws back all the duties, except half of the old subsidy.

VIII. *And whereas great quantities of tea imported into Flanders, Holland and other parts beyond the seas, directly from the East-Indies by foreigners, are from thence imported into this kingdom on pretence that such tea was formerly exported from hence, to the great prejudice of the trade and navigation of this kingdom, and to the great discouragement and loss of the fair importers of the said commodity from the place of its growth;* be it therefore enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and twenty five no tea whatsoever shall be imported into this kingdom from any place whatsoever, other than from the place of its growth, although the same may have been formerly exported from hence, or upon any other pretence whatsoever, on pain of forfeiture of all such tea; one moiety whereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person and persons as shall seize and sue for the same; any law, statute, custom or usage to the contrary whatsoever notwithstanding.

No tea to be imported but from the place of its growth.

IX. *And whereas, in order to increase the weight of roasted coffee, whereby to defraud and impose upon such as buy the same, divers evil-disposed persons, at the time or times of roasting such coffee, or soon after, or before the selling thereof, do use or mix, or cause to be used or mixed therewith, or do add or cause to be added thereto butter, lard, grease, water or other materials, whereby such coffee is rendered less wholesome, to the prejudice of the health of his Majesty's subjects, and to the loss and injury of all honest and fair dealers therein;* for preventing whereof, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and twenty five, no person or persons whatsoever, either in roasting or soon after the roasting, or before selling thereof, shall, in order to increase the weight of such coffee, use or add thereto, or mix therewith any butter, lard, grease, water or other materials whatsoever, on pain of forfeiting for every such offence, the sum of one hundred pounds; and if any trader or dealer in coffee shall knowingly buy or sell any coffee so mixed, or to which such

Penalty on roasters of coffee, mixing butter, &c. therewith, 100 l.

addition

addition shall be made, every such trader or dealer shall, for every such offence, forfeit and lose the sum of one hundred pounds.

X. *And whereas several dealers in brandy, arrack, rum, spirits and strong waters, coffee, tea and cocoa-nuts, in order to secure quantities of the said commodities, which have been clandestinely imported without paying any of the duties by law-charged thereupon, from being seized, as forfeited for such clandestine importation thereof, do frequently take out permits from the officer or officers for the said duties upon coffee, tea and chocolate, brandy, arrack, rum, spirits and strong waters, for the removing of the said commodities from one place to another, but in reality do not remove the commodities from the respective places they are authorized by such permit to remove the same to the respective places they are by such permit authorized to carry the same commodities unto, but make use of such permits for securing the like quantity of commodities mentioned in such permits, which have been clandestinely imported, from being seized, as forfeited for such clandestine importation; for remedy whereof, be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and twenty five, if any person or persons whatsoever shall take out any permit or permits from the officers employed in the said duties, or any of them, for removing of any of the said commodities from one place to another; and if, within the times limited in such permit or permits respectively, the party or parties, by or for whom such permit or permits shall be so taken out, shall not either actually and really send away all the commodities by such permit or permits authorized thereby to be sent away, pursuant to the true intent and meaning thereof, or in default of so sending away such commodities, shall not, before the expiration of the time limited in and by such permit and permits, respectively, return such permit and permits to the officer or officers, from whom the same was had; then, and in every such respective case and cases, the person or persons taking out such permit or permits, or for whose use such permit or permits shall be taken out, shall, for every gallon of brandy, arrack, rum, spirits and strong waters, and for every pound weight of coffee, tea and cocoa nuts, mentioned in such permit or permits, and not removed according to the purport thereof, forfeit and lose treble the value thereof, to be estimated according to the highest rate of the like commodities at the time when such forfeiture shall be incurred; and if such permit or permits are not so returned, as aforesaid, and in case, upon taking an account by any of the officers for the said duties upon brandy, arrack, rum, spirits and strong waters, and for the said inland duties of the stock of the coffee, tea and cocoa-nuts, remaining in the hands or custody of the person or persons, from or out of whose stock the commodities, mentioned in such permit or permits, as aforesaid, are thereby authorized to be removed, there shall not appear a sufficient decrease to answer the removal of the commodities mentioned in such permit*

Penalty for taking out permits, and not sending away the commodities in the time limited,

or not returning the permits, treble the value.

If there does not appear a sufficient decrease to answer the removal, officer to seize a like quantity of the brandy, &c.

mit or permits, as aforesaid, respectively; then, and in such case, the respective person or persons, from or out of whose stock the said commodities mentioned in the said permit or permits shall be authorized to be removed, shall forfeit and lose the like quantities of the respective commodities, so permitted to be removed, and not removed according to such permission, to be seized and taken by the officers for the said respective duties, for his Majesty's use, out of the like commodities then in the possession of the person or persons forfeiting the same: provided always, that no person or persons whatsoever shall demand, take or receive, any permit or permits from any officer or officers for the said respective duties, for the removal of any of the said commodities from one place to another, without the special direction in writing, of the person or persons, or the known servant or servants of the person or persons, from or out of whose stock the said commodities are to be removed, upon pain of forfeiting for every such offence therein the sum of fifty pounds, or, in default of the payment thereof, shall suffer imprisonment for and during the space of three months, without bail or mainprize.

No permit for removal, but by direction of him from whose stock commodities are to be removed,

Penalty 50l. or imprisonment.

XI. *And whereas by the act, whereby the said inland duties on coffee, tea and chocolate, are granted, several oaths and affirmations are appointed to be administered to the sellers of and dealers in the said commodities, relating to their trade therein, and the entries by them made with the officers for the same duties, for better securing the same; and whereas it hath been observed, that in some instances, where such oaths and affirmations by the said act are to be taken and made by such sellers and dealers, yet many of them neglect or refuse to take the same, insisting, that by the said act no persons are expressly authorized to administer the same unto them:* for remedy whereof, be it further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for such person or persons, as the commissioners for the said inland duties for the time being, or the major part of them in that behalf shall appoint, from time to time, to administer the said oaths and affirmations to the sellers and dealers, who do or shall reside within the weekly bills of mortality, and to and for the collectors and supervisors of excise in all other parts of Great Britain, to administer the said oaths, and to take affirmations from the respective sellers and dealers in any of the said commodities, within their respective collections and districts.

Commissioners to appoint persons to administer the oaths to dealers in these commodities.

XII. Provided always, and it is hereby enacted and declared by the authority aforesaid, That it shall and may be lawful for the commissioners of the said inland duties, or any two or more of them for the time being, within the respective jurisdiction of the said commissioners, or justice or justices of the peace, upon any officer or officers for the said inland duties making complaint upon oath, to such commissioners, or justice or justices of the peace respectively, that he or they do suspect any dealers in the said commodities not to have made true and just entries

On officers complaint, commissioners or justices to summon suspected persons to produce their books of entry, on oath.

10 Geo. I. c. 10.

entries in the books, which he, she, or they, are obliged, in pursuance of the said act, to keep for that purpose, of such of the said commodities, as he, she, or they, from time to time, sell or deliver out or consume, in which oath shall be set forth the causes of such suspicion, to summon such suspected person or persons to appear before the said commissioners, or justice or justices of the peace respectively, with their respective entry-books aforesaid, to the intent that such commissioners, or justice or justices of the peace respectively, may examine such suspected person or persons, or such as keep the said book or books, upon his, her, or their oaths or affirmations, touching the truth of the entries made in their said books; and any such dealer in coffee, tea, or chocolate, who shall neglect or refuse to make such oaths or affirmations, as are by the said last mentioned act required, and by this present act appointed to be administered, as aforesaid, being thereunto required by the respective person or persons, who by this act is and are authorized to administer the same, or shall neglect or refuse to attend such summons, as aforesaid, with his, her, or their respective entry-books, and be examined upon oath, as aforesaid, touching the truth of the entries made in their respective entry-books, then, and in every such case or cases, the person or persons offending therein, or either of them, shall, for each and every of such offence, forfeit and lose the sum of twenty pounds.

Refusing so to
do, forfeits
20 L

XIII. *And whereas in and by the said act of parliament, whereby the said inland duties on coffee, tea, and chocolate are granted, it is enacted, That if any person or persons whatsoever should at any time counterfeit or forge, or cause to be counterfeited or forged, the mark, stamp, impression, or device, which by the said act of parliament is directed to be provided and made use of on the paper inclosing each pound of chocolate, in pursuance of that act, or should vend or sell such chocolate with such counterfeit mark, stamp, impression, or device thereon, knowing the same to be counterfeit, then every such person or persons offending therein, shall, for every such offence, forfeit and lose the sum of five hundred pounds, and also should be committed to the next county gaol, there to remain for the space of twelve months without bail or mainprize: and whereas the commissioners for the said inland duties, having, pursuant to the said act, provided such marks, stamps, impressions, and devices, for the stamping and marking papers inclosing such chocolate; and whereas such chocolate, as, pursuant to the said act, has been duly entered with the proper officer, and for which the said inland duties have been charged or paid, has, from time to time, been inclosed in such paper and papers, having on it and them the impression of such marks or stamps so provided, as aforesaid; and whereas, after such papers, having on them the impression of such marks or stamps, have been taken from such chocolate, as has been so duly entered, and for which the said duties have been duly charged or paid, the same paper or papers, having on it or them the impression of such mark or marks, stamp or stamps, have been fixed unto, placed upon, and made use of to inclose other chocolate, which has not been duly entered, and for which the said inland duties have not been duly charged*

or paid, whereby his Majesty has been and is as much and as effectually defrauded of and in his said inland duties on such chocolate, as if the actors in such fraud had counterfeited and forged a stamp or stamps, mark or marks to resemble such marks or stamps so as aforesaid provided by the said commissioners: for remedy whereof, he it enacted by the authority aforesaid, That if and in case, from and after the said twenty fourth day of June one thousand seven hundred and twenty five, any person or persons whatsoever shall, upon any chocolate, which has not been duly entred with the proper officer, and for which the said inland duties have not been duly charged or paid, fix or place such paper or papers, having on it or them the impressiion of such mark or marks, stamp or stamps, or shall in such paper or papers inclose such chocolate, as hath not been duly entred with the proper officer, and for which the said inland duties have not been duly charged or paid, with intent to defraud his Majesty of the said inland duties, for and in respect of such chocolate, that then, and in every such case, every offender therein shall be subject and liable to the penalties and forfeitures, which by the said act, made in the tenth year of his said Majesty's reign, are set and imposed upon persons for counterfeiting or forging the stamp or stamps, mark or marks provided, or which shall hereafter be provided by the commissioners for the said inland duties for the time being, and as if such offender or offenders had actually forged or counterfeited such stamp or stamps, mark or marks.

Fixing papers with the stamp on chocolate that has not paid duty, is 500 l. penalty, and imprisonment.

XIV. And whereas it often happens, that after chocolate is made up for sale, and duly stamped, as the law directs, it receives damage by lying by, or otherwise becomes unfit for sale, be it enacted by the authority aforesaid, That it shall and may be lawful for the owner of such stamped chocolate, in the presence of an officer of excise for the division or place where such chocolate shall be, to open the said chocolate so made and stamped, as aforesaid, and to deliver the said stamps to the said officer, and to work the same chocolate over again with fresh cocoa-nuts, and that such owner shall be allowed to have the chocolate restamped, paying the inland duty for so much chocolate, as shall be added and used in the new-working the same, and no more.

Damaged chocolate to be restamped.

XV. Provided always, and be it enacted by the authority aforesaid, That all persons whatever, who shall work their chocolate over again, shall make proof before the commissioners of the inland duties, or the major part of them, in case the same shall be worked over again within the limits of the bills of mortality, or in case the same shall be worked over again out of the said limits, before any two or more of his Majesty's justices of the peace for the county, division, town or place, where such chocolate shall be so worked, that all and every of his Majesty's duties for the cocoa-nuts, wherewith such chocolate was made, and for what cocoa-nuts shall be added thereunto in the reworking thereof, have been duly and fully paid, and that all the said chocolate so to be reworked and restamped had been duly entred with the proper officers appointed for that purpose, and

On reworking chocolate proof to be made that the duties have been paid, &c.

upon

upon failure of such proof to be made, it shall in no wise be lawful to rework and restamp the same.

Concealing goods liable to duties, forfeits the goods and treble value.

XVI. And for the more effectual discovering and detecting the running of any goods, merchandizes, and commodities whatsoever, which are either prohibited to be imported, or which are liable to any duty or duties of customs and excise, and inland duty or duties, or to any or either of them, be it enacted by the authority aforesaid, That in case from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, any person or persons whatsoever shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed such prohibited goods or run goods, wares, merchandizes, or commodities whatsoever, liable to any duty or duties of customs, excise, and inland duties, or to any or either of them, the party or parties offending therein, whether he, she, or they, have or have not, or do or do not claim or pretend to have any property or interest in such goods, wares, merchandizes, or commodities so harboured, kept or concealed, shall, for every such offence, forfeit and lose all such goods, wares, merchandizes, and commodities whatsoever so harboured, kept, and concealed, and treble the value thereof.

The value of goods forfeited to be taken at the best rate.

XVII. And it is hereby further enacted and declared by the authority aforesaid, That the single value and worth of such goods, wares, merchandizes, and commodities whatsoever so forfeited, shall, from time to time, be deemed and taken to be, according to and at the rate and rates, price and prices, as the best goods, wares, merchandizes, and commodities of the like sorts, kinds, and denominations do or shall, at such respective time or times, bear and sell for in *London*.

Prohibited or run goods offered to sale may be seized.

XVIII. And for the better detecting and discovering the selling or exposing to sale any goods, wares, merchandizes, or commodities, which are or shall be prohibited, or which have been or hereafter shall be run, or shall be pretended so to have been, or to be, be it enacted by the authority aforesaid, That in case, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, any person or persons whatsoever shall offer or expose to sale any goods, wares, merchandizes, or commodities whatsoever, which are or shall be prohibited, or which actually have been, or shall be, or shall, by the party or parties so offering or exposing the same to sale, be pretended to have been run, all such goods, wares, merchandizes, and other commodities whatsoever, together with the package whatsoever including and containing the same, shall be forfeited, and shall and may be seized by the party or parties, to whom the same shall be so offered or exposed to sale, or by any officer or officers of customs or excise; provided, that within the respective times next after such seizure herein after mentioned, that is to say, If such seizure shall be made in any place or places within the limits of the weekly bills of mortality, then and in such case, within the space of twenty four hours,

Where such seized goods shall be lodged.

hours, and if such seizure shall be made in any other place or places out of the limits of the weekly bills of mortality, that then and in such case, within the space of forty eight hours next after such seizure, such goods, wares, merchandizes, and commodities so seized, shall, from time to time, be put into, and be placed, lodged, and secured in manner herein after mentioned, that is to say, If such goods, wares, merchandizes, and commodities are prohibited, or liable unto, or chargeable with only duties of customs, or import duties, and are not liable unto, or chargeable with any excise, or inland duty or duties, that then the same be put into, and be placed, lodged, and secured in some warehouse or warehouses belonging to his Majesty, under the care and management of some of the officers of his custom or import duties, near to the place where the same shall be seized; and in case such seizure be made at a place too remote from any such warehouse, the same shall be lodged in some excise-office near to the place of such seizure; but if such goods, wares, merchandizes, or other commodities be liable to any excise, or inland duty or duties, that then, and in such case, the same, within the respective times aforesaid, be put into, and be placed, lodged, and secured in some office or offices of excise, or for the said inland duties, or other safe place, under the custody of some officer or officers of excise, or for the said inland duties, near to the place where the same shall be so seized, as aforesaid.

XIX. And be it further enacted by the authority aforesaid, That every person and persons whatsoever, so offering or exposing to sale such goods, wares, merchandizes, and commodities, as aforesaid, over and besides the forfeiting such goods, wares, merchandizes, and other commodities, shall also forfeit and lose the treble value thereof, to be estimated in manner as aforesaid.

Offering to sale such goods, forfeits the goods and treble value.

XX. And be it further enacted by the authority aforesaid, That all and every the like prohibited or run goods, wares, and merchandizes whatsoever, so, or as such, bought by any person or persons whatsoever, together with the package containing the same, shall in like manner be forfeited, and shall and may be seized, and taken from such buyer or buyers thereof, either by the seller or sellers thereof, or by any officer or officers of customs or excise; provided that within the like respective times, as are herein before limited and appointed, of and concerning goods, wares, merchandizes, and commodities to be seized from the person or persons exposing or offering thereof to sale, such goods, wares, merchandizes, and commodities so to be seized from such buyer or buyers thereof, be placed, lodged, and secured in the like places respectively, and in the like manner, and in the custody of the like persons respectively, as is before directed and appointed, of and concerning goods, wares, merchandizes, and commodities, seized or to be seized from the person or persons offering or exposing thereof to sale.

Prohibited goods may be seized from the buyer.

XXI. And be it further enacted by the authority aforesaid, That in every case, where any person or persons whatsoever shall

Buyer also forfeits treble value.

Both buyer
and seller not
to be profes-
cuted for the
same goods.

shall buy any such prohibited or run goods, wares, merchandizes, or commodities whatsoever, or which, by the seller, at the time of selling thereof, shall be pretended so to be either prohibited or run, he, she, or they so buying, over and besides the goods, wares, merchandizes, and commodities so bought, as aforesaid, shall also forfeit and lose treble the value thereof, to be computed and estimated in manner as aforesaid: provided always, and it is hereby declared, That it is not meant or intended by this act, that as well the party or parties buying, as also the party or parties selling, or offering or exposing to sale such goods, wares, merchandizes, or commodities, as aforesaid, shall, in any case or cases, both and each of them respectively forfeit or be prosecuted for the treble value of one and the same identical parcel or parcels of such goods, wares, merchandizes, or commodities, as aforesaid, but that the party or parties, whether buyer or seller of, or offering or exposing to sale such goods, wares, merchandizes, or commodities, who with effect shall first prosecute the other of the said parties for such the treble value of such goods, wares, merchandizes, or commodities, shall, in every such case and cases, be and is hereby declared discharged and acquitted of and from the like forfeiting, or being prosecuted for or on account of the treble value of every such respective parcel and parcels of goods, wares, and merchandizes, or commodities, for and on account whereof the other party or parties shall be prosecuted with effect: provided always, that if, within one month next after making such seizure, as aforesaid, either by the seller or buyer, or by the party or parties, to whom such goods, wares, merchandizes, or commodities are or shall be offered or exposed to sale, a prosecution or prosecutions is not commenced, and afterwards carried on for the adjudging and determining of and concerning the forfeiting or not forfeiting of such goods, wares, merchandizes, or commodities, by the party or parties, as shall so seize the same, That then and in every such case and cases, the warehouse-keeper, or keeper of the office of excise or inland duties, or other person or persons, in whose custody such goods, wares, merchandizes, and other commodities shall be lodged and secured, shall and may prosecute for the forfeiture of such goods, wares, merchandizes, and commodities, as, after having been so lodged and secured, as aforesaid, shall not, within such month next after such seizure, be prosecuted for by the party or parties who shall have seized the same.

If prosecution
be not com-
menced with-
in one month,
warehouse-
keeper may
prosecute.

XXII. *And whereas before and at the time of the commencement of the inland duties upon chocolate, granted by an act made in the tenth year of his present Majesty's reign, intituled, An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa-nuts, chocolate, and cocoa-paste imported, and for granting certain inland duties in lieu thereof, and for prohibiting the importation of chocolate, ready made, and cocoa-paste, and for better ascertaining the duties payable upon coffee, tea, and cocoa-nuts imported, there were in his Majesty's warehouses,*

30Geo.I. c.10.

under the care and custody of his officers of customs, several quantities of cocoa-paste, and of chocolate imported ready made, which had been seized for having been imported and landed without making due entries and paying the duties thereof: and whereas several other quantities of cocoa-paste and chocolate imported, and landed and seized, since the commencement of the aforesaid act, and contrary thereto, already are and hereafter may be in such or the like warehouses: and whereas one moiety of the appraised value of such cocoa-paste and imported chocolate, when condemned in his Majesty's courts of exchequer, either at Westminster or in Scotland, or of the rate and price for which the same hath been or shall be bought at in his said Majesty's said courts respectively, doth and will belong to his Majesty, his heirs and successors, and the other moiety to the party or parties, who seized or hath bought the same, as aforesaid, but neither of the said moieties can be raised unless the same be sold and disposed of, which cannot be done without being liable to be seized a second time, unless the same be inclosed in paper, stamped or marked with the stamp or mark already provided in pursuance of the aforesaid act: for remedy whereof, be it enacted and declared by the authority aforesaid, That, as for and concerning such chocolate or cocoa-paste, as in the manner before mentioned, actually and really was in such warehouse or warehouses before the said twenty fourth day of June one thousand seven hundred and twenty four, in case the respective seizors or buyers thereof do or shall respectively, on or before the twenty fourth day of July now next ensuing, enter the same with the respective receiver or collector of the inland duties of the place and places, where such respective warehouse or warehouses shall happen to be, and shall give to such receiver or collector satisfaction, that such chocolate or cocoa-paste was actually and really in such respective warehouse or warehouses, on or before the said twenty fourth day of June one thousand seven hundred and twenty four, That then and in such case it shall and may be lawful to and for such receiver and collector, and he and they respectively are hereby authorized and required, gratis, to give to such proprietor or proprietors, under the hand of such receiver or collector, a certificate and certificates in writing, specifying and expressing the respective quantities of such chocolate or cocoa-paste, and the time when, and the warehouse or warehouses from whence the same is intended to be taken, to the intent, that by virtue of such certificate or certificates, the respective seizors or buyers of such chocolate or cocoa-paste may either carry the same to the next office for the said inland duties, there to be inclosed in papers, stamped with the stamp or mark, pursuant to the said act appointed, provided, and used for chocolate stock in hand, which it is hereby declared, may, in such case, lawfully be done without fee or reward, or to have such chocolate or cocoa-paste so to be delivered out, to be made up into chocolate, after the manner of making chocolate in Great Britain, and that after the same shall be so made up, as aforesaid, that then the same shall and may be inclosed in papers, stamped with the like stamp and mark, pursuant to the aforesaid act, appointed

Chocolate, &c.
warehoused
before 24 June
1724. and be-
fore 24 July
1725. entred
with the in-
land collector.

He is to give a
certificate of
the quantity,
&c.

that it may be
stamped, &c.

Chocolate
warehoused
since 24 June
1724. entred
with inland
collector, and
duty paid,

on certificate,

may be stamp-
ed.

Makers of
candles, ex-
cept com-
pounders,
using any
melting-
house, &c.
without a par-
ticular entry
thereof, for-
feit 100 l.

ed and provided, and used for chocolate stock in hand, which it is hereby further declared, shall and may, in such case, be likewise lawfully done, without fee or reward, and without being charged with, or paying the inland duty for such chocolate or cocoa-paste so to be delivered out by virtue or means of such certificate or certificates, as aforesaid; and as for and concerning such other seized chocolate or cocoa-paste, which since the said twenty fourth day of *June* one thousand seven hundred and twenty four has been or hereafter shall be brought into such warehouse or warehouses, as aforesaid, the seizors or buyers thereof respectively, upon his, her, or their entering the same, with the receiver or collector of the said inland duties of the place and places, where such warehouse or warehouse shall happen to be, and his, her, or their paying, or causing to be paid, to such receiver or collector, the said inland duties for the same, at and after the rate of one shilling and six pence *per* pound, and so proportionably for a greater or lesser quantity of such chocolate and cocoa-paste, such receiver or collector of the said inland duties shall and is hereby authorized and required, *gratis*, to give to such seizors or buyers a certificate or certificates in writing under his hand, specifying and expressing therein the quantity and quantities of such chocolate and cocoa-paste, and of the time when, and the respective warehouse and warehouses from whence such chocolate or cocoa-paste is to be taken to the intent that the same may be either inclosed in papers stamped with the mark or stamp, pursuant to the said act appointed and provided to denote the charging and paying of the said inland duties, either before or after the same shall again be made up into chocolate in the manner now used in *Great Britain*.

XXIII. *And whereas, for want of means to discover the fraudulent making of candles, and of sufficient penalties to punish the same when discovered, his Majesty is much defrauded of and in his duties upon candles, and the fair traders in candles are very much discouraged and injured in their respective trades by the fraudulent and private makers of candles: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That, if any chandler or maker of candles, other than and besides compounders for the time being for the duties of candles by them respectively made, or hereafter to be made, shall, from and after the said twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty five, make use of any melting-house, work-house, ware-house, store-house, shop, room or other place whatsoever, either for the making or keeping of candles, or for the melting or keeping of any wax, tallow or other materials proper to be made into candles, or of any copper, kettle, pot, furnace or other vessel or utensil whatsoever, for the melting of wax, tallow or other materials to be made into candles, or of any mould or moulds, or other utensil whatsoever, for or in the making of mould-candles,*

candles, or of other candles, without first making or having made, with the proper officer or officers respectively appointed, or to be appointed for that purpose, at the next office of excise, within the limits whereof either such melting-house, work-house, ware-house, store-house, shop, room or other place, shall be situate, or such copper, kettle, pot, furnace, mould or moulds, or other vessel or utensil whatsoever, shall be so, as aforesaid, used, a true and particular entry or entries in writing thereof, and of every and each of them respectively, every such chandler and maker of candles, other than compounders for the duties on candles, shall forfeit and lose the sum of one hundred pounds for every such melting-house, work-house, ware-house, store-house, shop, room or other place whatsoever, and for every such copper, kettle, pot, furnace, mould and moulds, or other vessel or utensil whatsoever, so made use of, without first making or having made thereof respectively such entry and entries, as aforesaid.

XXIV. *And whereas, when excise-officers, either early in the mornings or in evenings, repair and go to the houses, work-houses and other places belonging to and made use of either by professed chandlers or makers of candles for sale, or by others who privately and clandestinely make candles, (not being compounders) in order to search such houses, work-houses and other places, in order to discover the clandestine making of candles at such houses, work-houses and other places, the persons concerned in such frauds, pretending such time and times of such coming of such officer or officers to be in the night, and not in the day, they the said officers ought to have with them some constable or other officer of the peace: and whereas, by colour thereof, and on other like pretences, the excise-officers are not admitted to enter into such houses, work-houses and other places, but are debarred therefrom, and kept out of such houses, work-houses and other places, and thereby are prevented and hindered from discovering such frauds as then are there respectively carrying on: for remedy whereof, be it enacted by the authority aforesaid, That if from and after the*

Statute hours for excise-officers to search, either with a constable or without.

and five in the morning, with a constable or other officer of the peace, the door and doors of such house, work-house or other place whatsoever, are not immediately opened, and if such officer or officers are not immediately admitted, and permitted to enter and go into any house, work-house or other place whatsoever, belonging to or made use of by either any such professed chandler or maker of candles for sale, or by such private makers of candles, not being compounders; and if such officer or officers, being so entred into such house, work-house or other place or places whatsoever, all chests, trunks, boxes, drawers or other like things, are not, upon the demand or re-

Penalty for
obstructing
officers, 100l.

quest of such officer or officers immediately opened, or if, such officer or officers is not permitted quietly to search and examine all such houses, work-houses or other places whatsoever, and also all chests, trunks, boxes, drawers or other like thing or things there found, or if, by keeping such houses, work-houses or other places, or such chests, trunks, boxes, drawers or other thing or things locked or otherwise fastned, or if, by any other ways or means whatsoever, such officer or officers shall be obstructed from or hindered or molested in such searching and examining any such house, work-house or other place whatsoever, or such chest, trunk, box, drawer or other like thing or things whatsoever, that then and in every such case and cases the offender therein shall forfeit and lose the sum of one hundred pounds.

XXV. And whereas excise-officers coming to search the unrented houses, work-houses and other places of private and clandestine makers of candles for sale, are by one means or other kept out of and not permitted to enter or go into such unrented houses, work-houses or places, until either a stop is put to the work there going on, or until the candles there privately made or making are carried off, but upon such their searches do find such other circumstances and things in such posture and condition, as sufficiently demonstrate that at such time and times such private making of candles was carrying on, or just before had been there carried on; be it therefore enacted and declared by the

If officer, on
searching an
unrented
house, &c.
shall find
candles, &c.
it shall be suf-
ficient evi-
dence to con-
vict the of-
fender.

authority aforesaid, That if from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, any excise-officer or officers, on his or their searching any unrented house, work-house or place, shall find candles, either made or making, or shall find tallow or other materials for making candles, melting or then melted, or cottons or rushes spread for the making of candles, or any copper or other vessel or utensil for melting tallow to be made into candles, or any mould or other utensil for the dipping or making candles, warm with tallow, or other materials for the making candles, remaining at the bottom or about the sides of such copper, mould or other vessel or utensil as aforesaid, such finding in such unrented house, work-house or other place, such tallow or other materials for making candles, so melting or melted, or such cottons or rushes so spread, or any such copper, mould or other vessel or utensil warm with tallow, or other materials remaining at the bottom or about the sides of such copper, mould or other vessel or utensil as aforesaid, shall be deemed to be and hereby is declared to be sufficient evidence to convict every the offender or offenders, in every such case and cases, of having at that time made use of such house, work-house or other place, or of such copper, mould or other vessel or utensil, and to subject and make him, her or them, where the same, or any of the particulars before mentioned, shall be found, liable to the aforesaid penalty and forfeiture of one hundred pounds, for having, at such time and times, made use of them, every or any of them, without having made such entry or entries thereof, as is before required, unless

Penalty 100l.

the party or parties prosecuted for the same shall give to the commissioners or justices respectively, before whom such prosecution shall depend, or be depending, such satisfaction therein, as shall to them respectively appear to be sufficient to acquit him, her or them of and from the same.

XXVI. *And whereas such private and clandestine makers of candles for sale as aforesaid, do assume to themselves, and are called by other than their true names, and when discovered, to avoid being prosecuted for the same, do withdraw and abscond themselves, that they may not personally have notice of any prosecution for the same, or be served with any summons or process to answer the same:* for remedy whereof, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, the leaving a summons at the place or places where such discovery as aforesaid shall be made, directed to the person or persons who shall be prosecuted for making or having made use of such unentred house, work-house or other place, or of such unentred copper, mould or other vessel or utensil as aforesaid, for making candles for sale, directed to such person or persons by his, her or their right or assumed name or names, shall be deemed to be, and is hereby declared to be as legal and effectual notice and summons, to all intents and purposes, as if such notice or summons was personally given or delivered to or into the hands of the party or parties for whom the same shall be designed, and as if such notice or summons was directed to the party or parties to and for whom the same shall be designed, by his, her or their proper name or names.

What shall be a sufficient summons to persons using unentred work-houses.

XXVII. And be it further enacted by the authority aforesaid, That if from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, any chandler or maker of candles for sale shall begin to work upon, dip or make any course or making of candles, not being mould candles, or, in order thereto, shall make any of the preparations herein after mentioned, without first making and delivering, or causing to be made and delivered, to the officer or officers under whose survey such chandler or maker of candles for sale shall be, a declaration in writing of his, her or their intention to make such course or making of candles, and of the particular hour or time of the day or night when such course or making is intended to be begun, and of the true number of sticks of which such course or making is intended to consist, and of the sizes and true number of candles intended to be made on every and each stick intended to be made in and at such making or course, every such chandler and maker of candles for sale, on every failure or default in all or any the particulars before-mentioned, or having in and at such making or course more sticks or more candles, or larger or bigger candles on any stick or sticks in or of such making or course, than shall be mentioned in such declaration, shall, for every such offence, forfeit and lose the sum of fifty pounds, and if, after such declaration so made as aforesaid, such making or course of candles shall not be begun and proceeded

Making candles without notice to the officer forfeits 50 l.

upon at the hour and time or times mentioned in such declaration, or in three hours next after such hour and time, then every such declaration shall be and is hereby declared to be null and void.

What shall be deemed to be a beginning to work on a course of candles.

XXVIII. And, for avoiding disputes of what shall or shall not be deemed to be a beginning to work upon a making or course of candles, be it further enacted and declared by the authority aforesaid, That lighting any fire under any copper, kettle or other utensil for the melting tallow or other materials for the making candles, or the finding in such copper, kettle or other utensil, or in any mould or other utensil for the dipping of candles, tallow or other materials for the making of candles melted or melting, or cottons or rushes spread or spreading, every or any of them shall be deemed to be, and are hereby declared to be, such a beginning to make and work upon such making of candles, as shall make and cause every such chandler or maker of candles for sale, where the same or any of them shall be found, subject and liable to the aforesaid penalty and forfeiture, and the aforesaid sum of fifty pounds.

Candles not entered, found in chandlers possession, and of which the officer has no account, &c.

XXIX. And be it further enacted and declared by the authority aforesaid, That if from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, there shall be found in the custody or possession of any chandler or maker of candles for sale, any candles not mentioned in any entry or entries of candles made by such chandler or maker of candles for sale, and of which the officer or officers, under whose survey such chandler or maker of candles for sale shall be, hath not had any declaration or account, and that the duties thereof have not been duly charged and paid, that then and in every such case every such chandler and maker of candles for sale, where such candles shall be so found, shall be deemed to be and is hereby declared to be chargeable, and is hereby charged with, and shall pay the duties of such candles so found; and in case he, she or they do not pay off and discharge the said duties, shall be liable to the double duty of such candles; unless he, she or they shall prove that the duties thereof have been before paid by him, her or them, or that he, she or they bought them of some other chandler or maker of candles for sale, who, before such buying thereof, had paid or been duly charged with the duties thereof, and shall also prove, that, by the space of six hours next before the buying thereof, he, she or they did give to the officer or officers, under whose survey he, she or they shall be, or at the next excise-office, notice in writing of his, her or their intention to buy such candles as shall be so found as aforesaid, and of whom they were or were intended to be bought.

Chandler to pay the duty, or liable to a

double duty, unless, &c.

Mixing candles, or removing them, before weighing, &c. forfeits 100 l.

XXX. And be it further enacted by the authority aforesaid, That if from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, any chandler or maker of candles for sale shall mix or mingle candles which have not been duly weighed by the proper officer or officers of excise with others which have been weighed, or shall, from the place

or

or places of his, her or their making of candles, fraudulently remove candles before they have been weighed by the surveying officer or officers, or shall fraudulently hide or conceal any candles whatsoever, or materials for the making of candles, with intent to deceive his Majesty or in his duties upon candles, that then and in every such case respectively every such chandler and maker of candles for sale shall forfeit and lose the sum of one hundred pounds.

XXXI. *And whereas by the statutes and laws relating to the duties of excise, and to other duties under the receipt and management of the respective commissioners of excise, either as commissioners of excise, or as commissioners of those respective other duties, several and respective particular acts and things authorized by the said statutes to be done by the officer or officers of excise, and of and for the said other respective duties, some in the night-time, and others in the day-time, are, by the said statutes, directed to be done in the presence of a constable or other officer of the peace, but not without such presence of such constable or other officer of the peace: and whereas of late constables and officers of the peace, upon request duly made to them, have refused and do refuse to go with such officers of and for the said duties, and to be present at the doing and performing such act and acts, thing and things, at the doing and performing whereof their presence is absolutely necessary, and for want whereof such acts have remained and do remain undone, whereby his Majesty's revenues arising by the said duties are very much lessened; for remedy whereof, be it enacted by the authority aforesaid, That if from and after the said twenty fourth day of June one thousand seven hundred and twenty five, upon due request made by any officer or officers of excise or of the duties before-mentioned, or any of them, to any constable, headborough, or other ministerial officer of the peace, to go along with him or them, and to be present at the doing or performing of any such act or acts, thing or things, at the doing and performing whereof the presence of such constable, headborough or other officer of the peace, by the statutes already made or hereafter to be made, is or shall be necessary, such constable, headborough or other ministerial officer of the peace, shall refuse and neglect to go along with or to be present with such officer or officers of and for the said duties, or any of them, at the doing or performing such acts or acts, thing or things; and if such constable, headborough or other ministerial officer of the peace, after such request, shall not go along with such officer or officers, and shall not be present at the doing such act or acts, thing or things, at the doing and performing whereof the presence of such constable, headborough or other officer of the peace, by the said laws and statutes is or shall be necessary; that then and in every such case such constable, headborough or other ministerial officer of the peace so refusing, neglecting and not going or being present, shall, for every such offence, neglect or not going or being present, forfeit and lose the sum of twenty pounds.*

On request of an officer to a constable, &c. to go with him, constable, &c. refusing, forfeits 20 l.

XXXII. *And whereas, notwithstanding the act made in the sixth* 6 Geo. 1. c. 23. *year*

year of his Majesty's reign, intituled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office and house-money, great difficulties have frequently arisen upon the trial of divers actions, and other prosecutions, concerning his Majesty's revenue, or for resisting or obstructing the officers thereof in the execution of their offices, by requiring strict proof of the commissions, deputations or other authorities of such officers; for remedy thereof, be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June in the year of our Lord one thousand seven hundred and twenty five, if, upon the trial of any information, action or suit whatsoever, relating to his Majesty's customs or excise, or the duties upon salt, or to any other duties whatsoever, or to any seizure or seizures, penalty or penalties, forfeiture or forfeitures, touching or concerning the said duties or any of them, or the collection thereof; or if upon the trial of any indictment, action, suit or prosecution whatsoever, against any person or persons for any thing done by virtue or in pursuance of any act or acts of parliament relating to the said duties, or any of them; or if upon the trial of any information or indictment for assaulting, resisting or obstructing any officer or officers of the customs, excise or duties upon salt, or other duties due and payable to his Majesty, in the execution of his or their respective office or offices, or for rescuing any goods or merchandizes seized or to be seized by any such officer or officers; any question shall arise, whether any person be an officer of his Majesty, his heirs or successors, of or for any of the said duties: in every of the said cases, proof shall and may be made and admitted, that such person was reputed to be, and had acted in, and in fact exercised such office, and at the respective time and times, when the matter or matters in controversy upon such trial or trials shall happen to have been done or committed, or omitted to have been done or performed, without producing or proving the particular commission, deputation or other authority, whereby such officer was constituted and appointed, and that in every such case such proof shall be deemed and taken by the judges or justices before whom any such trial shall be had, to be good and legal evidence, unless by other evidence the contrary shall be made to appear; any law or usage to the contrary hereof notwithstanding.

XXXIII. And whereas, by the unfair and fraudulent practices of some makers of sope, not only his Majesty's revenue, arising by and from the duties on sope, is very much lessened, but other makers of sope, and fair traders therein, are thereby very much discouraged and injured; for remedy whereof, be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of June one thousand seven hundred and twenty five, every maker and makers of sope respectively, before he, she or they doth, do or shall begin to make or work upon any making of sope of any sort or kind whatsoever, shall give to the officer of the division or place where such sope is intended to be made, notice in writing of the particular time and hour when and at which such making

If on trial of an information relating to the customs, excise, &c. any question arise whether the person be an officer of the duties,

Proof shall be admitted that he was reputed to be such officer, without producing the commission, &c.

Sope-makers to give notice of the time of making sope:

making is intended to be begun, as herein after is mentioned, (that is to say) if such making is intended to be in or at any place or places within the limits of the weekly bills of mortality, then and in such case such notice shall be by the space of twelve hours next before the beginning of every such making, and if such making is intended to be in or at any other place or places out of the limits of the said weekly bills, then and in such case such notice shall be by the space of twenty four hours next before the beginning of every such making, on pain of forfeiting and losing the sum of fifty pounds, at every time and times, when any making of sope shall be begun to be made or wrought upon, without first giving such notice as aforesaid.

XXXIV. And be it further enacted and declared by the authority aforesaid, That the putting lees or lye into the copper, or other utensil whatsoever, usually and commonly used by such maker of sope for the making of sope, shall be deemed to be and is hereby declared to be a beginning to work upon and make such making of sope, and shall subject the maker of sope, where the same shall be found and discovered, to the penalty and forfeiture before-mentioned.

XXXV. And be it further enacted by the authority aforesaid, That if such intended making of sope, whereof such notice shall have been given, shall not be begun to be worked upon, and to be actually making within the times herein after mentioned, (that is to say) if within the limits of the said weekly bills, then and in such case within the space of six hours, and if in any other place or places out of the limits of the said weekly bills, then and in such case within the space of twelve hours next after the particular time or hour mentioned and expressed in such notice or notices respectively, then and in every such case and cases, such notice and notices respectively shall be null, void and of no effect; and every maker whatsoever of sope, who, after the expiration of the said times, shall begin to make or work upon such making of sope, without having first given a new or other like notice as aforesaid, of his, her or their intention to make or work upon such making, shall, in every such case, incur and be subject unto the like penalty and forfeiture, as if he, she or they had not thereof given any notice at all.

XXXVI. *And whereas by an act made in the tenth year of the reign of her late Majesty Queen Anne, intituled, An act for laying several duties upon all sope and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported, and upon certain silks, callicoes, linens and stuffs, printed, painted or stained; and upon several kinds of stamp vellum, parchment and paper; and upon certain printed papers, pamphlets and advertisements; for raising the sum of eighteen hundred thousand pounds by way of a lottery, towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for the better securing her Majesty's duties to arise in the office for the stamp-duties by licences for marriages and otherwise;*

wife; and for relief of persons who have not claimed their lottery-tickets in due time, or have lost exchequer-bills or lottery-tickets; and for borrowing money upon stock (part of the capital of the South-Sea company, for the use of the publick,) it is amongst other things provided and enacted, That in case stale or rotten sope, or cuttings of sope, be put into a copper or pan, in the presence of an officer for the said duties, in order to be refreshed or made new, such officer shall from time to time make an allowance of the duty of the stale or rotten sope or cuttings so put in, and certify every such allowance upon his report to be returned to the head office in the said act mentioned.

XXXVII. And whereas, under colour and pretence of making such allowances, pursuant to the aforesaid clause, and by combinations and confederacies between fraudulent makers of sope and corrupted officers of and for the said duties, who by bribes have been prevailed upon, in such their reports of the makings of sope, sometimes to certify great quantities of stale or rotten sope, or of cuttings of sope, put into such makings of sope, when in fact and in truth no such stale or rotten sope, or cuttings of sope, have really and in fact been put into such makings of sope; and at other times, when small quantities of stale or rotten sope, or of cuttings of sope, have been put into such makings of sope, such officers have been by the means aforesaid prevailed upon to certify, in such his and their report and reports, quantities of such stale or rotten sope, or cuttings of sope, much greater and far exceeding the quantity or quantities which at such time and times really and in fact have been and were put into such respective makings of sope, whereby his Majesty has been greatly defrauded of and in his duties on sope; for preventing whereof for the future,

Stale or rotten sope put into any makings of sope without due notice to the officer, no allowance to be made for it.

be it enacted by the authority aforesaid, That if any stale or rotten sope, or any cuttings of sope, in order to the refreshing thereof, shall, from and after the said twenty fourth day of June one thousand seven hundred and twenty five, be put into any making or makings of sope, unless of the intention and designing so to put such stale or rotten sope or cuttings of sope there shall be or shall have been given to the officer of the division or place where such putting in is intended to be, such notice in writing as herein after is mentioned, (that is to say) if such putting in is to be within the limits of the weekly bills of mortality, then and in such case, by the space of twelve hours next before the respectively time and times of such putting in such stale or rotten sope or cuttings of sope, but if in any other place or places out of the limits of the said weekly bills, then and in such case, by the space of twenty four hours next before the respective time and times of such putting in such stale or rotten sope or cuttings of sope, that in every such case and cases whatsoever, where such putting in shall be, or shall have been without such notice, the officer shall not certify such putting in, or any allowance for or in respect thereof; nor shall the maker or makers of sope, in any such case or cases, have or be entitled to have any allowance or allowances whatsoever, for or in respect of such putting in such stale or rotten sope, or of such cuttings of sope;

any

any law or statute to the contrary thereof in any wise notwithstanding.

XXXVIII. And be it further enacted by the authority aforesaid, That if, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five, any officer or officers of excise, or for the said duties on *lope*, shall falsely pretend that he or they hath or have had due notice in writing of such putting in of such stale or rotten *lope* or of such cuttings of *lope*, in any case and cases where and in which he or they really and in fact shall not have had such due notice in writing, and shall make such allowance and allowances as aforesaid, and shall falsely certify the same, every such officer and officers, for every pound-weight of such stale or rotten *lope* or cuttings of *lope*, so falsely allowed or certified as aforesaid, shall forfeit and lose the sum of ten shillings; and every such maker and makers of *lope*, who shall demand, claim; have or take any benefit or advantage for or in respect of any such allowance, so falsely made or certified by such officer or officers, in every such case and cases, shall forfeit and lose the sum of ten shillings for every pound-weight of such stale or rotten *lope* or cuttings of *lope*, as shall be claimed, demanded, had or taken by such maker or makers of *lope*, for and in respect of such allowance, so falsely made or certified by such officer or officers.

Officers pretending to have had due notice, and making allowance, &c. forfeit 10 s. for every pound,

and also the maker.

XXXIX. And it is hereby further enacted by the authority aforesaid, That all fines, penalties and forfeitures by this act before imposed, of and concerning the suing for, recovering and dividing whereof other directions are not herein given, shall be sued for, recovered, levied or mitigated by such ways, means and methods, as any fine, penalty or forfeiture is or may be sued for, recovered, levied or mitigated by any law or laws relating to his Majesty's revenues of excise, or any of them, or by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster* for or on account of any thing done or omitted to be done contrary to this act in the part and parts of *Great Britain* called *England, Wales*, or town of *Berwick upon Tweed*, or in the court of exchequer in *Scotland*, for or on account of any thing done or omitted to be done contrary to this act in that part of *Great Britain* called *Scotland*; and that one moiety of every such fine, penalty and forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him or them that shall sue or inform for the same.

How these penalties shall be sued for, and divided.

XL. And be it further enacted by the authority aforesaid, That if and in case any person or persons whatsoever, liable to the said duties on *lope*, or to the duties of excise, or to any other duty or duties whatsoever, under the management of the respective commissioners of excise, either as commissioners of excise, or as commissioners of such other duty or duties, or to any of them, in order to corrupt, persuade or prevail upon any officer or officers of or for the duties due or payable for and in respect of the goods, wares or commodities before-mentioned,

Attempting to corrupt the officers of excise, forfeits 500 l.

or

or of any or either of them respectively, either to do or perform any act or acts, thing or things whatsoever, contrary to the duty of such officer or officers, or to neglect or omit to do or perform any act or acts, thing or things whatsoever, belonging or appertaining to the business and duty of such officer and officers, or to connive at or conceal any fraud or frauds relating to the said duties, or any of them, or not to discover the same, shall from and after the said twenty fourth day of *June* one thousand seven hundred and twenty five give or offer to give or secure to any such officer or officers, any bribe, gratuity, or other reward whatsoever, that then and in every such case and cases the offender and offenders therein respectively shall, for every such offence, forfeit and lose the sum of five hundred pounds, which shall and may be sued for, levied, recovered and mitigated by such ways, means and methods, as any penalty or forfeiture is or may be sued for, levied, recovered, or mitigated by any law or laws of excise, or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*; and that one moiety thereof shall be to his Majesty, his heirs and successors, and the other moiety thereof to the poor of such parish or place where such offence shall happen to be committed.

Recital of the
act 5 Geo. 1.
c. 18. relating
to the British
fishery.

XLI. *And whereas by an act made and passed in the fifth year of his present Majesty's reign, intituled, An act for recovering the credit of the British fishery in foreign parts, and for better securing the duties on salt, it is amongst other things enacted, That at the end of every fishing season the officer for the duty on salt shall take a particular account of the quantities of foreign and British salt respectively remaining in hand, which remaining salt shall be immediately locked up in the joint custody of the officer and proprietor or proprietors, his or their agent or agents, and the said proprietor or proprietors, his or their agent or agents of the said salt, using the said salt, shall as soon as possible after the end of every fishing season, deliver an account in writing into the said office for the said duty on salt, containing the quantity of fish exported and entred, or shipped to be exported, on which the salt taken away after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used or consumed, together with a certificate or certificates, by the proper officers of the several ports, where the said fish were shipped for exportation, verifying the said account, which certificates the said officers are thereby directed to give gratis; which said account delivered into the said office as aforesaid, shall be affirmed by the oath of the said proprietor or proprietors using the said salt as aforesaid, or his or their agent or agents, who have used the same, and shall remain in the said office, to the end that the quantity of fish cured for exportation, and the quantity of salt used in curing the said fish, may from time to time appear upon oath, and be compared together; and in case any of the said salt shall be delivered over to any other persons, and used by them in curing of fish, the several quantities of salt so delivered over shall be expressed in the said account, and each person to whom such salt shall be so delivered, or his agent, shall*
like-

likewise upon oath make another account of the particular quantity of such salt used by each of them in the curing of fish so exported or shipped for exportation as aforesaid, which said account, together with proper certificates as aforesaid, shall likewise be transmitted into the office aforesaid, there to remain for the purposes above-mentioned; but if such proprietor or proprietors, his or their agent or agents, or any other person or persons, to whom any quantity of salt should be by them delivered over as aforesaid, should for the space of six months after the end of every respective fishing season, neglect or refuse to deliver such account attested upon oath as aforesaid, such proprietor or proprietors, and such other person or persons as aforesaid, should for every such offence forfeit forty pounds: and whereas since the making of the said act, several frauds and abuses, and many inconveniencies have been discovered, whereby his Majesty's revenue, arising out of the said salt, has been very much lessened, and the certain quantity of salt used in the curing of fish not any ways ascertained, they the said proprietors, at their pleasure, during the fishing season, convert and dispose of, for their own private advantage, but in a secret manner, great quantities of salt to persons unknown, who sell the same, without paying any duty for the same, or giving any account thereof, as by the said act is required, by which means the fair trader also is undersold; now for preventing for the future any frauds, imbezilments or misapplications of any salt, whether British or foreign, and for avoiding all disputes and controversies that may hereafter happen or arise between the owners of salt-works, proprietors of salt for curing of fish, and the officers for the duty on salt, be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and twenty five, if any proprietor or proprietors of salt, his or their agent or agents, shall deliver over to any person or persons any quantity of salt, which he shall have received from the proper officer or officers as aforesaid, such proprietor or proprietors, his or their agent or agents shall, by oath or otherwise, make it appear to the satisfaction of the proper officer or officers, that such salt so parted with, or delivered over to any person or persons as aforesaid, was by him or them used in curing of fish according to the intent and meaning of the said act; and in default thereof, every proprietor or proprietors, his or their agent or agents, shall be adjudged guilty of embezzlement and misapplication of such salt, and shall for every such offence forfeit the sum of fifty pounds sterling.

Proprietors delivering over any salt to any person, received from the officer, to make appear that it was used in curing fish.

Forfeiture 50l.

XLII. And whereas by the said recited act it is further enacted, 5 Geo. 1. c. 18. That the present allowances given by the laws relating to the duties on salt, upon the exportation of fish cured with foreign salt, should be no longer paid upon fish exported, from and after the twenty fourth day of June one thousand seven hundred and nineteen, but that the curers of fish, from and after the said twenty fourth day of June one thousand seven hundred and nineteen, should and might cure their fish with British or foreign salt, without paying any duty for the same, except the customs payable upon the importation of foreign salt, and be entitled to have and receive upon the exportation thereof such and no other

other allowances, than are therein mentioned and appointed: and whereas the time limited by the said act for the exportation of fish cured with foreign salt, so as to be entitled to the allowances then given, was too short, in respect that being the prime season of the salmon-fishing, considerable quantities of salmon and codfish were then in the hands of several curers of fish in that part of Great Britain called Scotland, which they were under a necessity to cure with foreign salt, the duties whereof were either paid or secured to be paid: and whereas it may be just and reasonable, that the curers and proprietors of all such fish, actually and really in hand on the said twenty fourth day of June one thousand seven hundred and nineteen, legally and duly cured with foreign salt, according to the several acts of parliament in that behalf, the duties of which salt were either paid or secured to be paid, should be paid the same allowances, and in the same manner, as if exported on or before the said twenty fourth day of June one thousand seven hundred and nineteen, be it enacted and declared by the authority aforesaid, That the barons of his Majesty's court of exchequer in Scotland, upon receiving a satisfactory proof of what quantities of salmon and codfish were actually and really in hand on the said twenty fourth day of June one thousand seven hundred and nineteen, duly cured with foreign salt, and legally exported, the duties whereof have been either paid or are secured to be paid, shall and may order and direct the proper officers to make out debentures to the proprietors or curers of such fish, certifying the allowances for the fish contained in such debentures to be the same as were payable before the said twenty fourth day of June one thousand seven hundred and nineteen, and to be paid in the same manner.

Relief for foreign salt used in curing salmon and codfish in Scotland in 1719. and legally exported.

6 Geo. 1. c. 18.

XLIII. *And whereas by an act passed in the sixth year of his Majesty's reign, intituled, An act for the better securing certain powers and privileges intended to be granted by his Majesty by two charters for assurance of ships and merchandizes at sea, and for lending money on bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned, his Majesty was enabled to erect two distinct corporations for assurance of ships, goods and merchandizes at sea, or going to sea, and for other purposes therein mentioned: and whereas his Majesty hath been graciously pleased, pursuant to the said act, to erect two distinct corporations for the purposes aforesaid, one by the name and title of The Royal Exchange assurance, and the other by the name and title of The London assurance; and whereas the said corporations, in pursuance of the said act, and the ends and purposes for which they were so incorporated, have, from time to time, as occasion hath required, entered into and executed great numbers of policies of assurance for the assuring of ships and goods and merchandizes, at sea or going to sea, and still continue so to do; but by reason of their being bodies corporate, such policies of assurance could not be entered into by their subscribing of the same, as is the constant usage for private insurers to do, but the respective common seals of the said corporations are set to such policies of assurance, and by means thereof, the manner of proceeding and pleadings in any suit or action to be commenced upon such policy*

licy of assurance under the respective common seals of the said corporations are different from the proceedings and pleadings in actions and suits commenced upon policies of assurance entred into by private insurers, or persons not incorporated in manner as aforesaid; and by reason of the necessity of pleading specially in such cases, the whole merit of the case in question cannot oftentimes come into consideration, and the jury, by the rules of law, are often obliged to find a verdict for the whole sum of money assured, though it be never so apparent, that in justice only a small part thereof is due to the assured by such policies of assurance; and the said corporations are thereby forced to seek relief in courts of equity, when the matter in question might be as well determined at once by a jury, as it is done in the case of private insurers, or persons not incorporated; for remedy whereof, be it enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and twenty five, on all actions of debt to be sued or commenced against either of the said corporations, upon any policies of assurance under the common seal of such corporation for the assuring of any ship or ships, goods or merchandizes at sea or going to sea, it shall or may be lawful to and for the said respective corporations, in such action or suit, to plead generally, that they owe nothing to the plaintiff or plaintiffs in such suit or action; and that in all actions of covenant, which shall be sued or commenced against either of the said corporations upon any such policy of assurance under the common seal of such corporation for the assuring any ship or ships, goods or merchandizes, at sea or going to sea, it shall and may be lawful for the said respective corporations, in such action or suit, to plead generally, that they have not broke the covenant in such policy contained, or any of them, and if thereupon issue shall be joined, it shall and may be lawful for the jury, if they shall see cause, upon the trial of such issue, to find a verdict for the plaintiff or plaintiffs in such suit or action, and to give so much or such part only of the sum demanded, if it be an action of debt, or so much in damage; if it be an action of covenant, as it shall appear to them upon the evidence given upon such trial, such plaintiff or plaintiffs ought in justice to have, or is or are entitled unto; any law or custom to the contrary notwithstanding.

XLIV. *And whereas several persons have of late endeavoured to evade the payment of the stamp-duties on policies of assurance or insurance, by giving promissory notes instead of policies for the insuring goods, ships or merchandizes at sea, by which notes the insurer notifies or expresses the terms on which he would insure, to the great detriment and loss of his Majesty's revenue,* be it therefore enacted by the authority aforesaid, That when any vessel, goods or merchandizes shall be insured, a policy duly stamped shall be issued, or at least made out within the space of three days at furthest, and the insurer or insurers neglecting to make out such a policy or policies within the time aforesaid, shall forfeit the sum of one hundred pounds for every such offence, to be sued for and recovered, and divided in the same way and manner, as other penalties

The insurance companies may plead the general issue in actions brought against them.

Policies of insurance to be stamped, on forfeiture of 100 l.

Promissory
notes for in-
surances void.

ties and forfeitures may be sued for, recovered and divided by the laws relating to the stamp-duties; and all promissory notes for assurances or insurances of ships, goods or merchandizes, at sea or going to sea, are hereby declared void, and nothing shall be recovered thereon by the insured.

Anno Regni GEORGII I. Regis Magnæ Britanniae, Franciæ & Hiberniæ, duodecimo.

AT the parliament begun and holden at Westminster, the ninth day of October, Anno Domini one thousand seven hundred and twenty two, in the ninth year of the reign of our sovereign lord GEORGE, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the twentieth day of January one thousand seven hundred and twenty five; being the fourth session of this present parliament.

CAP. I.

An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred twenty six. E X P. 21. in the Preamble.

Surplus arising hereby how appropriated, 12 Geo. 1. c. 12. sect. 28.

CAP. II.

An act for granting to his Majesty the sum of one million, to be raised by way of a lottery.

MOST gracious Sovereign, Whereas by an act of parliament made and passed in the seventh year of your Majesty's reign, intituled, An act for raising a sum not exceeding five hundred thousand pounds, by charging annuities at the rate of five pounds per centum per annum, upon the civil list revenues, till redeemed by the crown, and for enabling his Majesty, his heirs or successors (by causing such a deduction to be made, as therein is mentioned) to make good to the civil list the payments which shall have been made upon the said annuities; and for borrowing money upon certain lottery-tickets; and for discharging the corporation for assurances, of part of the money they were obliged to pay to his Majesty; and for making good a deficiency to the East India company, it was (amongst many other matters and things) enacted, That to the end your Majesty, your heirs and successors, might be enabled to reimburse such sum and sums of money, as in pursuance of the said act should be issued out of the civil list revenues, for or towards payment of the annuities charged by the said act, it should and might be lawful for your Majesty, your heirs or successors, to cause a deduction to be made, not exceeding six pence in the

7 Geo. 1. stat. 1.
c. 27. relating
to deductions
of 6d. per
centum on the
civil list.

the pound, out of all monies, which from and after the first day of August one thousand seven hundred and twenty one should be paid for or upon all pensions and annuities charged upon any of the said hereditary and temporary duties, and for and upon all salaries, fees and wages, payable for or in respect of offices of profit, granted by or derived from the crown, and for and upon all other payments from the crown whatsoever, or for or upon any arrearages of them, or any of them incurred or to be incurred (the pay of commission and non-commission officers and private men, serving in the navy or army, only and always excepted) the same deductions to be made for the use of your Majesty, your heirs and successors, for the benefit of your or their civil government, so long as the said annuities should, by virtue of the said act, be payable out of the revenues charged therewith as aforesaid, and until the same annuities should be redeemed, pursuant to the said act, as by the said act relation being thereunto had, more fully and at large it doth and may appear: and whereas by virtue and in pursuance of another act of parliament made and passed in the eleventh year of your Majesty's reign, intituled, An act for redeeming the annuities of twenty five thousand pounds per annum, charged on the civil list revenues by an act of the seventh year of his Majesty's reign; and for discharging the debts and arrears due from his Majesty to his servants, tradesmen, and others, a number of new exchequer-bills, not exceeding in the whole the sum of one-million of pounds sterling, were made forth, and the principal, interest, Præmium, or rate to grow due thereon, were charged and chargeable upon the monies arisen or to arise by or from the said deductions, and also upon such monies, as at any time or times, from and after the making forth such exchequer-bills, should be or remain in the receipt of the exchequer, arisen or to arise from all or any the duties, revenues or branches granted to your Majesty for the support of your household, and the honour and dignity of the crown, as well those which are hereditary, as those which are granted during your Majesty's life; and from and after your Majesty's demise, then upon all such monies as from thenceforth shall grow due and come into the receipt of the exchequer from the hereditary revenues, duties and branches therein mentioned, except as therein is excepted and provided; and the sum of five hundred thousand pounds, part of the said sum not exceeding one million, in exchequer-bills, was issued and applied for the redemption of the said annuity of twenty five thousand pounds per annum; and the remaining five hundred thousand pounds in exchequer-bills was issued towards satisfying the debts and arrears, and other uses of your Majesty's civil government, as in and by the said last mentioned act was directed and appointed: now the publick service requiring that the exchequer-bills remaining uncanceled and undischarged, which were issued by virtue of the said act, and which do amount to the principal sum of nine hundred and ninety thousand pounds should, without delay, be cancelled and discharged, we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly pray your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons,

And the act
11 Geo. I. c. 17.
concerning
exchequer-
bills charged
thereon.

The said de-
ductions con-
tinued.

mons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty, his heirs and successors, to continue the said deductions of sixpence in the pound for the purposes in this act mentioned, in the same manner, and as the said deductions have been made and raised by virtue of the said act passed in the seventh year of his Majesty's reign, subject nevertheless to the savings and exceptions in the said act mentioned.

7 Geo. 1 stat. 1.
c. 27.

30 000 l. to be
the yearly
fund at three
per centum.

To be paid
half-yearly at
the bank.

First payment
on 25 Dec.
1726.

Any persons
may be contri-
butors.

II. And to the end a sum of money may be raised by way of a lottery for and towards discharging and cancelling the said exchequer-bills remaining uncanceled, and other publick services; be it further enacted by the authority aforesaid, That yearly and every year, from and after the twenty fourth day of *June* one thousand seven hundred and twenty six, the full sum of thirty thousand pounds by and out of the monies, which from and after the said feast-day shall arise and be paid into the receipt of the exchequer of or for the said deductions of six pence in the pound, shall be, and the same yearly sum of thirty thousand pounds is by this act declared and enacted to be a particular fund and security for answering and paying all and every the annuities or yearly payments, after the rate of three pounds *per centum per annum*, to the contributors in the lottery herein after-mentioned, their executors, administrators and assigns, in the manner hereafter in this act expressed, until the redemption thereof according to the proviso hereafter in this act contained in that behalf; and that the said yearly sum of thirty thousand pounds, or so much thereof as shall be sufficient to satisfy and discharge all the sums which shall grow due from time to time for or upon the said annuities at the rate of three pounds *per centum per annum*, shall from time to time be paid half-yearly, at *Christmas* and *Midsummer*, by even and equal portions, until redemption of the said annuities according to the true meaning of this act, at the said receipt of exchequer, to the chief cashier of the governor and company of the bank of *England* for the time being, by way of imprest and upon account for payment of the same annuities; the first payment of the said yearly sum to the said cashier to be made on the twenty fifth day of *December* one thousand seven hundred and twenty six; and the said commissioners of his Majesty's treasury now being, and the high treasurer, under treasurer and commissioners of the treasury of his Majesty his heirs and successors, for the time being, are hereby strictly enjoined and required to cause the said yearly sum of thirty thousand pounds, or so much thereof as shall be sufficient, to be imprested and paid from time to time to the said cashier accordingly, without any further or other authority for the same; any former statute or law to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That for or towards raising the said sum of one million it shall and may be lawful for any person or persons, natives or foreigners, bodies politick or corporate, to contribute by paying, at or before

before the respective times by this act limited in that behalf, to any receiver or receivers to be appointed for that purpose, as is herein after mentioned, the sum of ten pounds, or divers entire sums of ten pounds, upon this act; and that every such contributor or adventurer for every such sum of ten pounds, which he, she or they shall so advance, shall be interested in such lot or share of and in the said yearly fund established by this act, as is herein after directed and appointed, and the same entire sums of ten pounds each are hereby appointed to be paid unto such receiver or receivers at such time or times, and in such proportions at a time, on or before the twenty fourth day of *June* one thousand seven hundred and twenty six, as shall be appointed by the lords commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being; and the said commissioners of his Majesty's treasury, or the high treasurer for the time being, are hereby impowered to cause such an allowance out of the sum so to be contributed, or any of them for prompt payment, to be made as he or they in his or their discretion shall think meet and reasonable.

Allowance for prompt payment.

IV. And be it further enacted by the authority aforesaid, That such persons as the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall nominate or appoint, shall be managers and directors for preparing and delivering out tickets, and to oversee the drawing of lots, and to order, do and perform such other matters and things as are hereafter in and by this act directed and appointed by such managers and directors to be done and performed; and that such managers and directors shall meet together from time to time at some publick office or place, for the execution of the powers and trusts in them reposed by this act; and that the said managers or directors, or so many of them as shall be present at such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns there shall be printed one hundred thousand tickets, numbred one, two, three, and so onwards in arithmetical progression, where the common excess is to be one, until they rise to and for the number of one hundred thousand; and upon the middle column in every of the said books shall be printed one hundred thousand tickets, of the same breadth and form, and numbred in like manner; and in the extreme column of the said books there shall be printed a third rank or series of tickets, of the same number with those of the other two columns; which tickets shall severally be of an oblong figure, and in the said books shall be joined with oblique lines flourishes or devices, in such manner as the said managers and directors, or the major part of them, shall think most safe and convenient; and that every ticket in the third or extreme column of the said books shall have written or printed thereupon (besides the number of such ticket) words to this effect, *the*

Treasury to appoint managers.

Books with three columns to be prepared.

bearer hereof is entitled to seven pounds ten shillings, part of the joint stock of one million, attended with annuities after the rate of three pounds per centum per annum, or to a better chance.

Treasury to appoint receivers. Managers to examine the books. Tickets not disposed of to be kept as cash in the exchequer. Middle column tickets to be rolled up, and put into box [A]. Innermost to remain in the books. Other books with two columns. 8000 tickets shall be fortunate, and the managers shall cause to be written upon one of them 20,000l. upon two 10,000l. upon two 5000l. upon three 3000l. upon five 2000l. upon twenty eight 1000l. upon forty nine 500l. upon three hundred and sixty 100l. upon seven thousand five hundred and fifty 20l. which principal sums, together with 500l. to the first drawn ticket, and 1000l. to the last drawn ticket, will amount to 310,000l. which being added to 690,000l. payable on the blanks, do amount together to 1000,000l. No money to be received after 24 June 1726. Method of drawing. Fortunate tickets to be printed. Counterfeiting tickets felony. Treasury to reward the managers. Guardians may contribute for infants, &c. Tickets to be exchanged for certificates. Bank to give credit, &c. EXP.

A book to be kept for that purpose.

Annuities assignable.

3l. per cent. interest.

XIX. And be it further enacted by the authority aforesaid, That the said accomptant general of the bank of *England* for the time being, to whom the said certificates are to be directed as aforesaid, shall, upon receiving and taking in of the said certificates, or any of them, give credit to the persons named therein, in a book or books to be by him provided and kept for that purpose, for the principal sums contained in every such certificate; and the persons to whose credit every the said principal sums shall be entred in the said book or books, his, her or their executors and administrators, shall and may have power to assign and transfer the same, or any part, share or proportion thereof, to any other person or persons, bodies politick and corporate whatsoever, in other books to be provided and kept by the said accomptant general for that purpose; and the principal sums so assigned or transferred shall carry the said annuity of three pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by this act, according to the power and authority herein aftermentioned, until the redemption thereof as aforesaid: and the said accountant general of the bank of *England* for the time being is hereby authorized and directed to cancel and file the certificates as they shall from time to time be received and taken in by him, and to give the persons bringing the same a note under his hand, testifying the principal money for which they have credit in the said book or books, by reason or means of the certificates so received, taken in and cancelled as aforesaid, and of the annuity attending the same.

XX. And it is hereby enacted, That every person so to be named in the said certificates, his, her and their executors, administrators and assigns, shall have, receive and enjoy and be entitled, by force and virtue of this act, to have, receive and enjoy an annuity or annuities after the rate of three pounds *per centum per annum*, for the respective principal sums specified in such certificate, until redemption thereof, according to the proviso herein after contained in that behalf, out of the money of

the said yearly fund by this act established and appropriated for that purpose; which annuities shall be payable and paid half-yearly at the feast-days above-mentioned, by even and equal ^{payable half-}portions, or within six days next after every or any such feast-^{yearly.} days, until the said annuities shall be redeemed by paying off the said respective principal sums and all arrearages of the same annuities, if any be, according to the proviso herein after mentioned; the first payment to begin and be made at the feast of the nativity of our Lord Christ one thousand seven hundred and twenty six, or within six days after; and that the said yearly sum of thirty thousand pounds, or so much thereof as shall be sufficient from time to time to answer and satisfy the said annuities after the rate of three pounds *per centum per annum*, as the same shall become due, are and shall be appropriated and applied thereunto, and shall not be diverted or divertible to any other use, intent or purpose whatsoever.

XXI. And it is hereby enacted, That the said annuities pay- ^{Tax free.}able after the rate of three pounds *per centum per annum*, and all and every the principal sums for which the same are to be payable shall be free from all taxes, charges and impositions whatsoever.

XXII. And be it enacted by the authority aforesaid, That ^{Bank to ap-}the said governor and company of the bank of *England*, and ^{point a chief}their successors, shall from time to time, until the said annuities ^{cashier and ac-}after the rate of three pounds *per centum per annum* shall be re- ^{countant ge-}deemed according to this act, appoint and employ one suffi- ^{neral.}cient person within their office in the city of *London* to be their chief or first-cashier, and one other sufficient person within the same office to be their accountant general; and that the said cashier or cashiers, to whom the said monies shall from time to time be issued for payment of the said annuities after the rate of three pounds *per centum per annum*, shall from time to time, without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer: and the said accountant general for the time being shall from time to time inspect and examine all receipts and payments of the said cashier, and the vouchers relating thereunto, in order to prevent any fraud, negligence or delay; and that all persons and corporations, who shall be entitled to any of the same annuities, so to be payable by the cashier of the bank of *England* for the time being, pursuant to this act, and all persons ^{Annuities a}claiming under them, shall be possessed thereof as a personal e- ^{personal e-}state, and the same shall not be descendable to the heir, and shall ^{state, &c.}not be liable to any foreign attachment by the custom of *London*, or otherwise; any law, statute or custom to the contrary notwithstanding.

XXIII. And be it further enacted by the authority aforesaid, ^{The annuities}That all the principal monies for which the said several annui- ^{a joint stock.}ties, after the rate of three pounds *per centum per annum*, shall be payable by the cashier of the bank of *England* for the time being as aforesaid, shall be deemed and taken to be one capital

or joint stock on which the same annuities shall be attending, and shall be called, *the joint stock of three pounds per centum annuities*; and that all persons and corporations, in proportion to their respective annuities, shall have a share in such stock; and that all such shares shall be assignable, transferrable and deviseable in the same manner as is prescribed by act or acts of parliament made in the first year of his Majesty's reign, touching the annuities after the rate of five pounds *per centum per annum* therein mentioned; and that no stamp-duties whatsoever shall be chargeable on such transfers; and that the said governor and company of the bank of *England* (notwithstanding the redemption of all or any other funds or annuities, in pursuance of the acts for establishing the same, or any of them) shall continue a corporation to all intents and purposes, relating to the receiving, paying or accounting for the said annuities of three pounds *per centum per annum* so payable by their cashier, till the same shall be redeemed according to this act; and that the said governor and company of the bank of *England*, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

No fee.

XXIV. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatsoever shall or may be demanded or taken of any of his Majesty's subjects for paying the said annuities of three pounds *per centum per annum*, or any of them, by the said cashier for the time being; and that no fee or gratuity shall be demanded or taken for any transfer of any sum, great or small, to be made in pursuance of this act, upon pain that any officer or person offending, by taking any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs in any of his Majesty's courts of record at *Westminster*.

Crown may redeem the annuities.

XXV. Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the King's majesty, his heirs or successors, at any time, upon six months notice to be given under his or their sign manual, and affixed upon the *Royal Exchange* in *London*, at any of the feast-days of payment of the said annuities, to redeem the same annuities, and every of them, by paying to the then proprietors of the same annuities the consideration or purchase-money which was originally paid for the same (without deduction of the allowance for prompt payment) and all arrearages of the said annuities which shall be incurred till the time of such payment, to be made at the then next ensuing half-yearly feast-day; and that from and after such payment made, or reserving money in the exchequer ready to make such payment on demand, that then and not till then the same annuities and every of them shall from thenceforth cease and determine, and the said revenues shall be discharged of, from and against the same.

Appropriation of the deductions of 6 d.

XXVI. And for the better ascertaining and securing the payment of the annuities aforesaid, be it further enacted by the authority

thority aforesaid, That all such monies as shall arise and come into the receipt of the exchequer, of and from the deductions of six pence in the pound as aforesaid, shall be applied and appropriated, and the same are hereby accordingly appropriated for and towards paying and discharging the said annuities, till redeemed as aforesaid, and that half-yearly, to wit, on or within twenty days next after the twenty fifth day of *December*, and the twenty fourth day of *June* aforesaid, in every year, the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall cause an exact account to be made and taken of the monies which shall, on or before every respective half-year of and in each and every respective year, have arisen and been brought into the exchequer in the preceding half-year, for or upon the said deductions; and that the monies so arising and coming into the exchequer in such preceding half-year shall be immediately, from time to time, paid over to the chief cashier of the bank of *England*, towards paying and discharging the annuities aforesaid; and in case the said deductions shall at any such half-year appear to be so deficient, that the same shall not be able to answer and pay so much as shall then be due for or upon the said annuities in and by this act appointed and intended to be paid out of the same, according to the true meaning of this act, then and in every such case, and as often as any such deficiencies shall happen, the same shall be provided for, answered and made good by and out of any monies arisen or to arise from all or any the hereditary revenues settled and appointed for the honour and dignity of the crown.

in the pound
to these an-
nuities.

XXVII. Provided always, and be it further enacted, That if it shall be found and appear, that the monies arising and coming into the exchequer by the said deductions of six pence in the pound, in every or any year, shall have proved so low and deficient, as not to have brought into the exchequer the said full yearly sum of thirty thousand pounds, that then and in every such case, and so often as any such deficiency shall so happen, the arrears shall be paid and made good out of the first money that shall arise or be brought into the exchequer for or upon the said deductions, after the end of such a year wherein such deficiency happened; and any sum or sums of money paid out of his Majesty's said hereditary revenue shall be also replaced and paid out of the same; any thing herein contained to the contrary notwithstanding.

Deficiency,
how to be
made good.

XXVIII. Provided always, and be it enacted by the authority aforesaid, That in case at the end of any one year the monies arising into the exchequer by and out of the said deductions of six pence in the pound shall be more than sufficient to answer and pay the said thirty thousand pounds *per annum*, and to replace what may have been in the same year issued out of the said hereditary revenues, towards making good the same, such surplus shall from time to time be reserved in the exchequer,

Surplus to re-
main in the
exchequer.

quer, and not be thence issued or applied, but by authority of parliament.

Proviso for the
uncancelled
exchequer-
bills.

XXIX. And be it enacted by the authority aforesaid, That the commissioners of his Majesty's treasury now being, or the lord high treasurer or commissioners of the treasury for the time being shall, on or before the twenty ninth day of *September* one thousand seven hundred and twenty six, by and out of the monies arising out of the contributions on this act, or by and out of any other monies granted to his Majesty for the service of the year one thousand seven hundred and twenty six, provide and direct, that all the said exchequer bills now remaining undischarged, and so, as aforesaid, amounting to nine hundred and ninety thousand pounds principal money, be effectually discharged and cancelled; and that in the mean time and until the effectual discharging and cancelling the same, or reserving sufficient money in the exchequer for discharging and cancelling the same upon demand, all and every the duties and revenues by the said recited act of the eleventh year of his Majesty's reign appropriated for the circulating, exchanging and finally cancelling the same, shall remain, continue and be subject and liable to the circulating, exchanging and cancelling the same in the same manner, to all intents and purposes, as they were subject and liable before the making of this act; any thing herein before contained to the contrary thereof in any wise notwithstanding.

CAP. III.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. EXP.

CAP. IV.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty six; and for the more effectual preventing frauds and abuses in the shipping of malt for exportation to foreign parts; and for ascertaining the price of ale to be sold in Scotland; and for making good the deficiency on the lottery-tickets of the year one thousand seven hundred and twenty four; and for making forth duplicates of exchequer-bills, lottery-tickets and orders, lost, burnt or otherwise destroyed.

No malt entered for exportation only shall be charged with the duties on malt, nor XLVIII. **A**ND whereas it hath been found by experience, That the drawbacks given by the several acts of parliament relating to the duties on malt out of the duties by the said acts granted, for and upon the exportation of malt from Great Britain to parts beyond the seas, do very much exceed the duties charged upon the same malt

malt at the time of making thereof, by means whereof the makers of any drawback such malt are encouraged to run out their malt into combe, and thereby allowed on ex-
 in the making thereof increase the same, before it be dried, to more portation.
 than double the quantity which the same individual parcel of malt so exported did contain by gaging or measure, when the same was gaged and charged by the officers for the duties chargeable thereon; and notwithstanding the allowances and abatements made by the said act out of every twenty bushels of malt, at the time that the duties charged thereon are paid, that is to say, an abatement or allowance of four out of every twenty bushels of malt which shall be charged by the officer by a gage taken in the cistern or in the couch, and in case the charge shall be made from a gage which shall be taken upon the floor, then an allowance or abatement of the duties of ten bushels out of every twenty bushels which shall be so charged from such floor gage; notwithstanding which abatements and allowances so made out of the said duties as aforesaid, yet nevertheless the said exporters do demand and insist upon it, that they are to have a drawback of six pence for every bushel of malt so by them exported as aforesaid, although the same malt so exported, by their fraudulent way of working the same, is worth little more than the drawback paid and allowed on the exportation thereof, to the great disparagement of the British malt in foreign parts, and the diminution of his Majesty's duties upon malt: for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and twenty six no malt which shall be entred and made for exportation only, in the manner by this act prescribed and directed, shall, by virtue of this act, be charged or chargeable, or subject or liable to any of the duties by this act charged or imposed upon any malt to be made in Great Britain; and that no drawback out of the duties on malt by this act granted, shall be paid or allowed for any malt whatsoever, which from and after the said twenty fourth day of June one thousand seven hundred and twenty six shall be made and exported from any part of Great Britain to parts beyond the seas.

XLIX. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and twenty six, all and every malster intended for exportation, Malsters to enter all malt intended for exportation, and maker of malt for exportation shall from time to time, before he, she or they shall begin to wet or steep any steeping of corn or grain to be made into malt for exportation, give or leave notice in writing with the respective officer or officers for the said duties on malt for the division or place where such malt is to be and shall be made, of the respective quantities of corn or grain intended to be contained in each steeping so by him, her or them intended to be made into malt for exportation to parts beyond the seas; which said corn or grain so intended to be made into malt for exportation shall from time to time be kept separate and apart, by the respective makers thereof, from all other corn or gain, either made or to be made into malt for home consumption, on pain of forfeiting the sum of five shillings

lings for every bushel of grain contained in any steeping so entered to be made for exportation, which shall be found mixed with any corn or grain made or to be made into malt for home consumption.

When malt for exportation shall begin to be wet.

L. Provided always, and be it further enacted by the authority aforesaid, That no maker or makers of malt whatsoever shall begin to wet or steep any corn or grain to make into malt for exportation, above the space of six days before all the corn he, she or they may have working on their respective floors to make into malt for home consumption, shall be dried off; nor shall the persons aforesaid begin to wet or steep any corn to make into malt for home consumption, above the space of six days before all the corn or grain he, she or they may have working on their respective floors to make into malt for exportation, be fully dried, and locked up in the manner by this act directed and expressed, on pain of forfeiting the sum of five shillings for every bushel of corn or grain wetted or steeped contrary to the manner herein prescribed and directed.

Such malt, when fully dried, to be carried directly on ship-board in presence of an officer,

LI. And be it further enacted by the authority aforesaid, That when the malt so intended for exportation as aforesaid shall be fully made and dried, and fit for exportation, the same shall from time to time, in the presence of the respective officer or officers for the said duties in the said division or place where the same was made, be measured and carried, by the respective makers or proprietors thereof, directly on ship-board, if intended to be immediately exported, or else into one or more room or rooms, storehouse or storehouses, or other place or places to be provided by and at the expence of the respective makers or proprietors of the said malt so made for exportation, there to be kept separate and apart from all other malt, under two locks and two keys to each place into which the said malt shall be carried; one of those locks to be provided by the respective makers or proprietors of the said malt, and the other lock to be provided by the supervisor or officer for the said duties in the division or place where the said malt shall be locked up, at the expence of the proprietor of the said malt, whereof one key of each place to be kept by the respective makers or proprietors of the said malt, and the other key by the officer for the said duties for the time being of the division or place where the said malt shall be kept, until the same shall be delivered out for exportation.

or to be locked up in a store-house.

Officers may gage such malt in all its operations, till fully dried, &c.

LII. Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the respective supervisors and officers for the said duties from time to time, during the wetting or steeping the said corn or grain so intended to be made into malt for exportation, and until the same shall be fully made and dried, and carried and locked up as aforesaid, to gage and take an account thereof in all its operations, in the same manner as they ought to do, in case the duties charged upon malt made for home consumption were to be charged thereon, for the better discovering whether any of the malt

malt so intended for exportation be not removed and carried away to be used for home consumption.

LIII. Provided always, and to the intent that it may be known whether all the malt so entred, made and locked up for exportation be accordingly exported, and not made use of for home consumption, be it further enacted by the authority aforesaid, That when any maker or proprietor of malt so made for exportation, and locked up and secured for that purpose, shall be desirous to take any of the said malt out of any of the said places where the same shall be locked up as aforesaid, in order to remove the same to some port or place for the exportation thereof, and shall thereof give notice in writing to the officer for the said duties of the division or place where such malt shall be so locked up, by the space of forty hours before the time he desires to take out the same as aforesaid, expressing in such notice the quantity of malt he, she or they do then desire to take out, and the port or place to which the same is intended to be removed for exportation as aforesaid, then and in such case the respective officers for the said duties, to whom such notice shall be given as aforesaid, shall and are by this act required to attend, pursuant to such notice, at the respective places where the said malt shall be locked up as aforesaid, and see the malt so desired to be taken out of the same measured, and delivered out to the respective makers or proprietors thereof, or to their respective agents or servants by them appointed to receive and carry the same to the port or place from whence the same is intended to be exported as aforesaid.

Officers on notice to attend at the store-houses at delivering out malt for exportation.

LIV. And be it further enacted by the authority aforesaid, That the said respective officers do and shall, from time to time, keep a true account of all the malt which shall be so delivered as aforesaid, and of the person or persons to whom the same belongs; and shall and is hereby required to give to the person to whom or for whom each quantity of malt shall be so delivered out, a certificate in writing, directed to the officer for the said duties in the division or place to which the same is intended to be removed, in order to be exported, expressing the quantity of malt so delivered out, and the name or names of the respective makers or proprietors thereof, and the respective divisions or places from whence the same was so delivered out; which said certificate or certificates shall be signed by the respective officers giving the same, and shall be delivered to the respective officers for the said duties for the time being, of the port or place where the said malt shall be so carried to be exported, who shall duly file and keep the same, and make an entry thereof in a book or books to be respectively kept by him or them for that purpose, to the intent that upon enquiry and examination it may be discovered whether any maker of malt for exportation shall duly export all such malt, as shall be entred by him or them respectively for exportation as aforesaid; and in case the maker or proprietor of such malt, so removed from the place of making thereof, shall neglect or refuse to deliver and procure to be delivered

Officers to keep an account of all malt so delivered out, &c.

livered such certificate or certificates to such officer for the said duties of the division or place to which the said malt shall be removed in order to be exported, to the intent that the same may be filed and entred in the manner in this act before expressed, then and in such case the maker or proprietor, so refusing or neglecting to deliver the same, shall, for every such refusal, forfeit and lose the sum of fifty pounds.

Officers at the port to attend the measuring the malt, and to continue on board till the ship be cleared.

LV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any the officers for the said duty on malt, in such of the ports of this kingdom, where any malt may, is or shall be shipped, in order to be exported to parts beyond the seas, not only to see and attend the measuring of all malt which shall be shipped or laid on board any ship or vessel for exportation to parts beyond the seas, in such port or ports respectively, but also to continue on board such ships or vessels on which such malt shall be laden or shipped, until the same shall be respectively cleared their respective ports.

The hatches of the ship to be locked down when the ship is not loading, &c.

LVI. And it is also hereby further enacted by the authority aforesaid, That from time to time, during the shipping of malt for exportation on board any ship or vessel, at all such times as the respective proprietors or exporters shall not be actually putting malt or other merchandizes on board, the hatches of the said ships or vessels shall and may be kept locked down with two locks and two keys to each hatch; one of those locks to be provided, and the key thereof kept by the respective proprietors or exporters, and the other lock to be provided, and the key thereof kept by the respective officer or officers appointed to attend the said shipping; and that the said hatches be kept locked down in the aforesaid manner, from the time the said ships or vessels shall be fully loaded, until the time the same shall be ready to sail from their respective ports to foreign parts, to the intent that none of the malt put on board may be relanded.

Notice to be given to the officer of the port when the putting on board of malt is to be begun.

LVII. And be it further enacted by the authority aforesaid, That every person or persons who shall intend to ship any malt for exportation, shall, by the space of forty eight hours at least before the beginning to ship, or put on board any ship or vessel any malt for exportation, give or send to such officer or officers as aforesaid, of the port or place where such malt shall be intended to be shipped or put on board, notice in writing of the particular day, and of the precise hour of such day, when such shipping or putting on board of such malt is intended to be begun, and also the name of the ship or vessel such malt is to be put on board, on pain to forfeit and lose the sum of five shillings for every bushel of malt, which shall be shipped or put on board for exportation without such notice so given or sent as aforesaid; and in case it shall appear, that any of the malt so entred and made for exportation as aforesaid, shall not within the space of nine months next after the making and drying thereof, and carrying the same into such room or rooms, ware-houses, store-houses or other places, and there locked up and secured as aforesaid,

said, be exported for parts beyond the seas, according to the purport and meaning of this act, then and in such case the proprietor of the malt not so exported shall, for every bushel thereof forfeit and lose the sum of five shillings.

LVIII. And be it further enacted by the authority aforesaid, That if any malster or maker of malt shall refuse or neglect to make such entry as aforesaid, of their respective quantities of corn or grain, so intended to be wetted or steeped for exportation, before the wetting or steeping thereof as aforesaid, or shall refuse or neglect to provide and keep such rooms, ware-houses, store-houses and other places, with locks and keys for securing the said malt so intended for exportation as aforesaid, or refuse or neglect to cause all the said malt so intended for exportation, from time to time, within the space of six days next after the same shall be dried, in the presence of the officer for the said duties, for the division or place where the said malt shall be made (who is hereby required upon reasonable notice to be given to him, to attend for that purpose) to be measured, carried and locked up, in such rooms, ware-houses, store-houses or other places as aforesaid; then, and in every such case, the said maker or proprietor of such malt, so neglecting or refusing, shall, for every such neglect or refusal, forfeit and lose the sum of fifty pounds: and in case any person or persons whatsoever shall oppose, molest, hinder or obstruct any of the said officers in the due execution of the powers or authorities given or granted to such officer or officers by this act, or shall break open the hatches of any ship or vessel, locked down in the manner herein before-mentioned, without the knowledge or consent of the officer or officers appointed to attend the shipping of malt on such ships or vessels, every such person shall forfeit and lose, for every such offence, the sum of fifty pounds.

LIX. Provided always, and be it enacted by the authority aforesaid, That in consideration of the extraordinary charges the malsters or makers of malt for foreign exportation will be at, for ware-houses and store-houses for locking up of malt, and for the several admeasurements thereof, from the time of making such malt, to the time of exportation thereof, there shall be allowed to the said malsters and makers of malt the sum of three pence *per* quarter, out of the duties granted or continued by this act, for every quarter of malt, which shall be so made and locked up for foreign exportation; any thing herein contained to the contrary notwithstanding.

LX. Provided also, and be it further enacted by the authority aforesaid, That a drawback shall and may be allowed for all malt made on or before the twenty fourth day of *June* one thousand seven hundred and twenty six, that shall have paid the duty imposed thereon by the act of the eleventh year of his Majesty's reign, for laying a duty upon all malt, mum, cyder and perry, and shall be exported for foreign parts on or before the twenty ninth day of *September* one thousand seven hundred and twenty six; and the person or persons exporting the same shall be entitled

Malt not exported in nine months, proprietor to forfeit 5 s. per bushel.

Malster not entering the corn, nor providing store-houses, &c. to forfeit 50 l.

Opposing officers, &c. forfeits 50 l.

Allowances to malsters on exportation of malt.

Drawback on malt made before 24 June, and exported before 29 Sept. 1726.

titled to have debentures made out for the same, in the same manner as he or they would have been entitled to the same, in case this act had not been made; any thing herein before contained to the contrary notwithstanding.

Such debentures how to be satisfied.

LXI. Provided also, and be it further enacted by the authority aforesaid, That all such debentures so to be made forth, for malt exported on or before the said twenty ninth day of *September* one thousand seven hundred and twenty six, shall (in case the respective commissioners or officers of excise shall not have sufficient in their hands of the duties granted by the said act of the eleventh year of his Majesty's reign, to satisfy the same) be paid and satisfied out of the duties arising by this present act; any thing herein before contained to the contrary notwithstanding.

5 Annæ, c. 8.

LXII. *And whereas a doubt may arise upon the construction of the seventh article of the treaty of union (which provides that the barrel of ale sold in Scotland by the brewer at nine shillings and six pence sterling, excluding duties, and retailed including duties and the retailers profit, at two pence the Scots pint, shall not after the union be liable on account of the excise then in being, to a higher duty than two shillings for each barrel) whether the brewer and retailer may take a higher price for the said ale, in proportion as the duty now granted on malt may raise the price of the said commodity, without being liable to a higher excise than that limited by the said seventh article of the treaty of union: for obviating the said doubt, it is hereby enacted and declared, That ale brewed or to be brewed in Scotland, during the continuance of the duty of three pence a bushel on malt, of the same goodness and quality with that described in the said article of the treaty of union, shall be chargeable with no higher excise, in consideration of the duty of excise that took place at the time of the union, than two shillings sterling for each barrel, though the said ale shall, in consideration of the malt duty, be sold by the brewer at ten shillings and six pence per barrel, and by the retailer at two pence and two-penny Scots, or one sixth part of a penny sterling, the Scots pint: and it shall be lawful for the brewers and retailers of such ale to sell and retail the same at the said prices, without being liable to any further or higher duty as aforesaid.*

The price of ale to be sold in Scotland, ascertained.

The deficiency on the lottery tickets 1724. how to be made good. 10 Geo. 1. c. 2.

LXIII. *And whereas several of the certificates made forth for the fortunate tickets, issued in pursuance of an act of the tenth year of the reign of his present Majesty, for continuing the duties on malt, rum, cyder and perry, to raise money by way of a lottery, for the service of the year one thousand seven hundred and twenty four, still remain unpaid, and for want of sufficient money coming into the exchequer, of the said duties, to answer and pay the same; be it therefore enacted by the authority aforesaid, That if the money arisen or to arise into the exchequer, for or on account of the duties granted by the last mentioned act, on or before the fifth day of *May* one thousand seven hundred and twenty six, shall not be sufficient to discharge the whole principal and interest due, or to grow due on the several certificates made forth in*

manner

manner aforesaid; that then so much money as shall on that day appear to be wanting or deficient for answering and discharging the same, shall and may be supplied and made good out of any of the publick supplies granted or to be granted for the service of the year one thousand seven hundred and twenty six; and the commissioners of the treasury, or any three or more of them, or the lord high treasurer for the time being, are hereby authorized and required to issue and apply the same for that purpose accordingly; any thing herein before contained to the contrary notwithstanding.

LXIV. Provided nevertheless, and it is hereby further enacted, That all the monies which from and after the said fifth day of *May* one thousand seven hundred and twenty six, shall or may happen to come and be paid into the receipt of his Majesty's exchequer, for arrears upon the said duties on malt, mum, cyder and perry, granted for the service of the year one thousand seven hundred and twenty four as aforesaid, shall be issued and applied in aid of the supplies that shall be granted to his Majesty, for the said year one thousand seven hundred and twenty six; any thing in the act, by which the said duties were granted, to the contrary notwithstanding.

The arrears of the malt act 1724. to be applied to the service of this year.

Duplicates of exchequer-bills, lottery-tickets or orders, to be made forth in lieu of others lost or destroyed. EXP.

C A P. V.

An act for repairing the road from Market-Harborough to Loughborough in the county of Leicester.

The toll took place from 1 May 1725. to continue for 21 years. *Continued by 19 Geo. 2. c. 10.*

C A P. VI.

An act for repairing the roads leading from Birmingham through Warwick to Warmington, and from Birmingham through Stratford upon Avon to Edghill in the county of Warwick.

The toll took place 25 July 1726. to continue for 21 years. *Continued by 18 Geo. 2. c. 32.*

C A P. VII.

An act for enlarging the term granted by an act passed in the sixth year of the reign of her late majesty Queen Anne, intituled, *An act for the better amendment of that way which leads from Cherril through Cabne to Studley-Bridge in the county of Wilts.*, and for making the said act more effectual; and for extending the road so to be amended, from Cherril to the Three Miles Borough at the top of Cherril Hill.

By this act the private act of 6 Ann. c. 14. which commenced from 25 March 1708. and was to continue for the term of 20 years, is continued further for the term of 21 years. *17 Geo. 2. c. 23.*

C A P. VIII.

An act for repairing the highways from Speenhamland adjoining to Newbury in the county of Berks, to Marlborough in the county of Wilts.

The toll took place from 2 May 1726. to continue for 21 years. *Continued by 18 Geo. 2. c. 12.*

C A P.

CAP. IX.

An for repairing the roads therein mentioned, between Crackley Bank in the parish of Idfall alias Shiffnall, and the town of Shrewsbury in the county of Salop.

The toll is to continue from 1 June 1726. for 21 years. *Continued by 3 Geo. 2. c. 6.*

CAP. X.

An act for repairing the roads from Lemsford Mill in the county of Hertford, to Welwyn, and from thence to Cory's Mill, and from Welwyn through Cadicot to Hitchin in the said county; and for enlarging the term granted by an act passed in the sixth year of the reign of his present Majesty, for repairing the roads from Stevenage in the said county to Biggleswade in the county of Bedford.

The toll is to have continuance from 1 May 1726. for 21 years; and the act 6 Geo. 1. c. 25. for repairing the roads from Stevenage to Biggleswade, is continued for 21 years. *Continued by 11 Geo. 2. c. 10.*

CAP. XI.

An act for repairing and widening the road from Horseley Upright Gate, leading down Bowden Hill, in the county of Wilts, to the top of Kingdown Hill, in the parish of Box, in the said county.

The toll is to continue from 20 May 1726. for 21 years. *Continued by 14 Geo. 2. c. 29.*

CAP. XII.

An act for granting an aid to his Majesty, by laying a duty upon all victuallers and retailers of beer and ale within the cities of London and Westminster, and the weekly bills of mortality, and for prohibiting their sending beer or ale out of their houses to distant places in any pots or vessels less than a gallon; and also for adding one hundred additional hackney chairs to those already licensed; and for applying certain arrears of former land-taxes towards the supply granted to his Majesty for the service of the year one thousand seven hundred and twenty six; and for appropriating the supplies granted in this session of parliament.

MA Y it please your most excellent Majesty; We your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, towards raising such supplies as are necessary to defray your Majesty's publick expences, have freely and unanimously given and granted unto your Majesty the rates and duties herein after mentioned, and do most humbly beseech your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June* one thousand seven hundred and twenty six, a sum not less than one pound, nor more than six pounds yearly, shall be paid to his Majesty, his heirs and successors, by every victualler and retailer of beer and ale

After 24 June 1726. a sum not less than 1 l. nor more than 6 l. to be paid by every victualler

in the cities of *London* and *Westminster*, and within the weekly bills of mortality: which said rates and duties shall be subject to such regulations and restrictions as are herein after mentioned. REP.

Commissioners to be appointed to grant permissions and manage the duties. No victuallers within the bills of mortality to retail without a permission. Victuallers to compound annually for their permissions. Leaving off retailing, composition to cease. Compositions to be made according to the trade. 2 s. 6 d. for each permission. No victualler to send out drink in any pots less than a gallon, on pain of 40s. But drink may be drunk at the door or in any out house, garden, &c. Not taking out permission, forfeits 20 l. All the excise-acts in force to be applied to this act. 12 Car. 2. c. 24. All fines to be levied by the laws of excise. Commissioners to have the same power as commissioners of excise. Not to alter justices power in licensing alehouses. REP.

XV. *And whereas by an act of parliament made in the ninth year of the reign of her late majesty Queen Anne, it was enacted, That the commissioners for licensing and regulating hackney coaches for the time being, or the major part of them, should have power, and are thereby required to license all such hackney chairs, which, from and after the twenty fourth day of June one thousand seven hundred and eleven, during the term of thirty two years, should be kept and used for hire within the cities of London and Westminster, and the suburbs thereof, and within all and every the parishes and places comprized within the weekly bills of mortality; and that the number of all such chairs, so to be licensed upon that act, should not exceed two hundred, and that upon every one of the licences, to be granted for keeping or using for hire any hackney chair, there should be reserved and payable to her Majesty, her heirs and successors, the annual sum of ten shillings, to be paid quarterly: and whereas by an act of parliament made in the tenth year of her said Majesty's reign, it was enacted, That it should and might be lawful to and for the commissioners for licensing and regulating of hackney coaches for the time being, or the major part of them, to license any additional number, not exceeding one hundred such hackney chairs, which, from and after the twenty fourth day of June one thousand seven hundred and twelve, at any time or times within or during the term of thirty one years, should be kept and used for hire within the cities and limits aforesaid, so that the number of all the said chairs, licensed or to be licensed upon the said acts, should not at any one time, within or during the term last mentioned, exceed three hundred; and that upon every one of the said licences, for any of the said chairs, there should be reserved the like yearly rent of ten shillings, to be paid quarterly: and whereas it is found convenient, that a greater number of such hackney chairs should be licensed to be employed within the limits aforesaid, be it therefore enacted by the authority aforesaid, That the commissioners for licensing and regulating hackney coaches now being, and the commissioners for licensing and regulating hackney coaches for the time being, or the major part of them, shall have power and authority and are hereby empowered and required, under their hands and seals or the hands or seals of the major part of them (over and above the number of chairs*

9 Ann. c. 25

10 Ann. c. 19

One hundred additional hackney chairs to be added to those already licensed.

Continued by 16 Geo. 2. c. 26.

authorized to be licensed by the said former acts) to license an additional number of hackney chairs, not exceeding one hundred, which from and after the twenty fourth day of *June* one thousand seven hundred and twenty six, at any time or times within or during the term of eighteen years from thence next and immediately ensuing, shall be kept and used for hire within the cities and limits aforesaid; so that the number of all the said chairs licensed or to be licensed upon this or the said former acts, shall not at any one time, within or during the term last mentioned, exceed four hundred.

The number not to exceed 400.

XVI. And it is hereby enacted, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty six, upon every one of the licences to be granted in pursuance of this act, for keeping and using for hire any hackney chair, there shall be reserved and payable to his Majesty, his heirs and successors, the annual sum of ten shillings of lawful money of *Great Britain*, to be paid quarterly at the four most usual feasts in the year, by equal portions, during the continuance of every such licence for a chair, with such covenants, provisoes and conditions, for the more effectual payment thereof, as the said commissioners in their discretions shall think fit and reasonable; the first of the said payments to begin and be made at such of the said feast-days, as shall next happen after the granting of every such licence for a chair respectively; and that the same chairs, and the persons to be so licensed for carrying and using the same, shall in respect thereof have the same rates and benefits, and be subject and liable to the same rules, penalties, matters and things, as are by the said former acts prescribed, in relation to the hackney chairs or chairmen, which were thereby authorized to be licensed.

On every licence there shall be reserved the annual sum of 10 s. payable quarterly.



Appropriation of the monies on these chairs.

XVII. And it is hereby declared and enacted by the authority aforesaid, That all the monies to arise by rents of the said additional number of chairs to be licensed in pursuance of this act (the necessary charges of raising the same excepted) shall be added to the funds settled by the said act of the ninth year of her said late Majesty's reign, and applied towards the payment of the principal and interest-money therein mentioned, in like manner, and under the like penalties, as other rents upon hackney chairs are applicable and appropriated.

Arrears of former land-taxes to be applied for the service of the year 1726.

XVIII. And be it further enacted by the authority aforesaid, That the sum of seven thousand and forty six pounds, thirteen shillings and eight pence three farthings, remaining in the exchequer for arrears of several land-taxes payable in and before the year one thousand seven hundred and twenty three, shall and may be issued and applied as part of his Majesty's supply granted for the service of the year one thousand seven hundred and twenty six; any law, statute or provision heretofore made to the contrary in any wise notwithstanding.

Treasury may issue out new exchequer-

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury or any three or more of them now being,

or

or the high treasurer or any three or more of the commissioners of the treasury for the time being, and they respectively are hereby authorized and impowered at any time or times before the twenty fourth day of *March* one thousand seven hundred and twenty six, at once or by such proportions at a time as they respectively shall find to be most for the advantage of the publick, to prepare and make or cause to be prepared and made at the exchequer, in such method and form as they or he shall think most safe and convenient, any number of new exchequer bills, containing one common sum or different sums in the principal monies, not to exceed in the whole the sum of five hundred thousand pounds *sterling*. EXP.

bills not exceeding 500,000 l.

To bear interest at a d. per centum per diem. The bills to be numbered arithmetically, &c. These bills to be placed as cash in the tellers offices. The bills to be subject to the rules enacted in the land-tax of this session. New exchequer-bills charged on the duties on retailers of beer. An annual account to be taken at Michaelmas of the monies arising by the duties on victuallers. Deficiency to be made good out of next supplies, or out of the sinking fund. Monies out of the sinking fund to be replaced. EXP.

XXVIII. Provided always, and be it enacted by the authority aforesaid, That all monies coming into the exchequer, either by loans or exchequer-bills, upon one act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred twenty six*, and so much money (if any such be) of the tax thereby granted, as shall arise and remain after all the loans or exchequer-bills made or to be made on the same act, and all the interest, *Premium* or rate, and charges thereon, and the charges thereby allowable for raising the said land-tax shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer-bills, upon one other act of this session of parliament, intituled, *An act for continuing the duties on malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty six; and for the more effectual preventing frauds and abuses in the shipping of malt for exportation to foreign parts; and for ascertaining the price of ale to be sold in Scotland; and for making good the deficiency on the lottery-tickets of the year one thousand seven hundred and twenty four; and for making forth duplicates of exchequer-bills, lottery-tickets and orders lost, burnt or otherwise destroyed*, and so much of the duties on malt, mum, cyder and perry, thereby granted or continued, as shall arise or remain (if any such be) after all the loans or exchequer-bills thereby directed to be made on the same act, and all the interest, *Premium* or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied or money sufficient shall be reserved to discharge the same; and also all the exchequer-bills to be made forth in pursuance of this

Appropriation clauses.

60,235 l. 8 s.
8 d. to make
good the ge-
neral fund.

present act, and the sum of seven thousand forty six pounds, thirteen shillings and eight pence three farthings, remaining in the receipt of his Majesty's exchequer on arrears of former land-taxes, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents and purposes herein expressed: subject nevertheless to such restrictions as are herein after prescribed (that is to say) it is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum not exceeding sixty thousand two hundred thirty five pounds eight shillings and eight pence, to make good the deficiency of the fund, commonly called *The General Fund*, for raising seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence, and one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and twenty five.

732,187 l. 5 s.
8 d. for naval
services.

XXIX. And it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seven hundred thirty two thousand one hundred eighty one pounds five shillings and eight pence, for or towards the naval services herein after more particularly expressed (that is to say) for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to the sea-officers, and for and towards victual, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea-services in the office of the ordnance performed and to be performed, and for or towards other services of the navy performed and to be performed.

79,412 l. 14 s.
3 d. for the
ordnance.

XXX. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seventy nine thousand four hundred and twelve pounds fourteen shillings and three pence, for or towards defraying the charge of the office of his Majesty's ordnance for land-services performed and to be performed, and for defraying several extraordinary expences of the office of ordnance for land-services, not provided for by parliament.

901,034 l. 7 s.
8 d. ob. for
guards, garrisons,
&c.

XXXI. And it is hereby likewise enacted, That out of all or any of the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding in the whole the sum of nine hundred one thousand and thirty four pounds seven shillings and eight pence halfpenny, for or towards maintaining his Majesty's land-forces and other services herein after more particularly expressed, that is to say, any sum not exceeding six hundred fifty five thousand one hundred and seventy eight pounds and two pence, for defraying the charge of eighteen thousand two hundred twenty six effective men, including commission and non-commission officers and invalids, for guards, garrisons, and six independant companies for the service of the highlands, and other his Majesty's land-forces

at Britain, Jersey and Guernsey, and other services relating to the forces for the year one thousand seven hundred and twenty six; and any sum or sums of money not exceeding one hundred and fifty two thousand six hundred thirty seven pounds six shillings and five pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons of *Annapolis Royal*, *St. John's* and *Gibraltar*, for the year one thousand seven hundred and twenty six; and any sum or sums of money not exceeding fourteen thousand nine hundred and thirty pounds six shillings and five pence, upon account for out-pensioners of the *St. John's Hospital*, for the year one thousand seven hundred and twenty six; and any sum or sums of money not exceeding five hundred and two hundred eighty seven pounds fifteen shillings and five pence, for defraying several extraordinary expences and charges relating to the forces incurred, and not provided for by parliament; and any sum or sums of money not exceeding five hundred and three thousand pounds, upon account of half-pay to the retired officers of his Majesty's land-forces and marines, for the year one thousand seven hundred and twenty six; subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum and sums of money not exceeding one hundred and fifty thousand three hundred eighty nine pounds two shillings and eight pence towards making good the deficiency of the aid granted for the service of the year one thousand seven hundred and twenty six; and any sum not exceeding forty four thousand and hundred twenty one pounds two shillings and four pence towards making good the deficiency of the aid granted by an act of the year of his Majesty's reign, for raising one hundred thousand pounds for laying a tax on papists; and any sum or sums of money not exceeding nine hundred and ninety thousand pounds for discharging the like sum in exchequer-bills, being the remaining part of the exchequer-bills for one million, which were made forth in pursuance of an act of parliament of the year of his Majesty's reign.

9 Geo. 1. c. 18.

11 Geo. 1. c. 8.

XII. And be it enacted, That out of the said aids or supplies there shall and may be from time to time issued and applied such sum or sums of money as shall be necessary for and towards the payment of such additional number of seamen, as his Majesty shall think fit to employ for the service of the year one thousand seven hundred and twenty six, and for and towards defraying and defraying such expences and engagements as have at any time been or shall before or until the twenty fifth day of October one thousand seven hundred and twenty six, be made by his Majesty, in concerting such measures as he in his great wisdom thinks will best conduce to the security of the trade and navigation of this kingdom, and the preservation of the peace of the same.

Provision for augmenting the Fleet in 1726.

XIII. And be it enacted, That the said aids or supplies intended as aforesaid shall not be issued or applied to any use, in

Limitation of these supplies.

tent or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies before directed to be satisfied out of the said loans or exchequer-bills, by any particular clause or clauses for that purpose contained in this act or in any other act of this present session of parliament.

What persons are entitled to half-pay.

The surplus of this sum is appropriated, 13 Geo. 1. c. 7. l. 35.

XXXIV. And as to the said sum of seventy three thousand pounds, by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor under the age of sixteen years at the time when the regiment, troop or company in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company, that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice or other preferment in *Great Britain or Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person, by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

11 Geo. 1. c. 8.

XXXV. *And whereas by an act of parliament made in the eleventh year of his Majesty's reign, for continuing the duties on malt, munn, cyder and perry, to raise money for the service of the year one thousand seven hundred and twenty five, and for other purposes therein expressed, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, among which any sum or sums of money, not exceeding seventy-seven thousand pounds upon account of half-pay, for the year one thousand seven hundred and twenty five, was appropriated to be paid to the reduced officers of his Majesty's land-forces and marines subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted and declared, by the authority aforesaid, That so much of the said sum of seventy seven thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed to such officers who are maimed or lost their limbs in the late wars, or to such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity,*

Overplus of half-pay, how to be applied.

city, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

CAP. XIII.

An act for repairing and widening the roads from the city of Gloucester to the city of Hereford.

The tolls are to have continuance from the 24th of June 1726, for 21 years.
Continued by 20 Geo. 2. c. 31.

CAP. XIV.

An act for repairing several roads therein mentioned, leading into the city of Worcester.

WHEREAS the several highways, streets or roads leading from the several gates and the bridge of the city of Worcester, to Cudley Heath, in the parish of Warndon, in the county of Worcester, being one mile and an half, or thereabouts, and to a bridge called Stonebow-Bridge in the said county, being four miles, or thereabouts, and from a place called The Yewtree in the parish of Spetchly, to Upton Snodsbury, in the said county, being two miles, or thereabouts, and from the said city of Worcester to a place called Aylesborough Farm in the said county, being six miles, or thereabouts, and to a place called Seavern Stoak, in the said county, being four miles, or thereabouts, and to a place called The Rid Green, in the parish of Hanley Castle in the said county, being four miles, or thereabouts, and to a place called The Link, in the parish of Great Malvern, in the said county, being four miles, or thereabouts, and to a place called The High Ladder Stile, in the parish of Leigh in the said county, being five miles, or thereabouts, and to a place called Herefordshire Lake, in the parish of Knightwick in the said county, being six miles, or thereabouts, and to a place called Hombridge, in the parish of Martly in the said county, being six miles, or thereabouts, and to a place called The Hundred Houle, in the parish of Great Whitley in the said county, being six miles, or thereabouts, and to a place called The Mitre Oak, in the parish of Hartlebury in the said county, being six miles, or thereabouts, by reason of the soil thereof, and the heavy carriages passing through the same, are become so ruinous, &c.

The toll took place the 1st of June 1726, and is to continue for 21 years.
Continued by 10 Geo. 2. c. 5.

CAP. XV.

An act for repairing the walls, gates and other publick works in the city of Norwich, and several bridges in and near the said city, and for amending the roads therein mentioned.

WHEREAS the city of Norwich is an antient city, and the greatest part thereof encompassed with thick stone walls, wherein are twelve large gates, and there are also six large bridges over the river running through the said city, called Hellefden, Col-

lany, Black Fryers, Eyebright, White Fryers and Bishopgate Bridges, and likewise divers publick wastes, stables and wharfs, in the said city: and whereas the said walls, gates, bridges, wastes, stables and wharfs are now become very ruinous, &c.

After 1 May 1726, all masters of vessels passing up the river higher than Thorp-Hall, to pay toll. For every chaldron of coals 4 d. For every last of wheat, rye, barley, malt or other grain 4 d. For every weight of salt 4 d. For three hogheads of sugar, tobacco, molasses, or hogheads packed with other dry goods 4 d. For three puncheons of liquor 4 d. For four hogheads or two pipes of wine, spirits or other liquors 4 d. For eight barrels of soap, raisins, oil, pitch, tar or packed with other dry goods 4 d. For every whole butt or two half-butts of currans 4 d. For two pipes of Smyrna raisins 4 d. For twenty four bags of nails 4 d. For sixty bars of iron 4 d. For fifty pieces of iron called Short Broads 4 d. For eight pigs or a fodder of lead 4 d. For every Peak millstone or pair of Cologne millstones 4 d. For forty firkins of butter or archel 4 d. For twenty two hundred weight of cheese 4 d. For twenty square foot of stone 4 d. For every thousand pantiles 4 d. For every chaldron of grinstones 4 d. For eighty single deals or forty double deals 4 d. For fifty square foot of fir or other timber 4 d. For two bags of hops 4 d. For eight horse packs of any goods 4 d. and for every ton of other goods 4 d. Mayor, &c. to appoint collectors. Master not liable, unless his lading exceed three tons. Mayor, &c. may fix a boom across the river, and erect an office there. Duties may be assigned over for money to be borrowed at lawful interest. Not to take away the duties payable at the common stathe. City of Norwich to pay to the treasurer of the county for bridge money, 30l. *per annum*. The bridges to be repaired at the costs of the county.

CAP. XVI.

An act for repairing the road from Spittlegate-Hill near Grantham, in the county of Lincoln, to Little Drayton in the county of Nottingham.

The toll took place 25 June 1726, and is to have continuance for 21 years. *Continued by 12 Geo. 2. c. 34.*

CAP. XVII.

An act for enlarging the term granted by an act made in the first year of his present Majesty's reign, intituled, *An act for repairing and amending the highways between Tyburn and Uxbridge in the county of Middlesex*, and for making the said act more effectual.

The toll granted by this act of 1 Geo. 1. stat. 2. c. 25. took place 25 December 1715, and was to have continuance during the term of 11 years, and by this act is continued for 21. years longer. *Continued by 15 Geo. 2. c. 9.*

CAP. XVIII.

An act for repairing the several roads therein mentioned, leading into the town of Tewkesbury in the county of Gloucester.

20 Geo. 2. c. 31. **WHEREAS** the several highways and roads leading from the town and borough of Tewkesbury in the county of Gloucester, to a place called Goscombe-Gate on the top of Stanway-Hill in the parish of Stanway in the said county of Gloucester, in the great road to London, being ten miles or thereabouts, and to a place called the Hands at Combes-Hill in the parish of Elmestons Hardwick in the said county of Gloucester, in the highway leading to Gloucester, called the Upper Way, being four miles or thereabouts, and

and to a place called Wainloads-Bridge in the highway leading to Gloucester, called the Lower Way, being four miles or thereabouts, and to the parish of Swindon in the highway to Cheltenham in the said county of Gloucester, being five miles or thereabouts, by reason of the deepness of the soil of the said respective roads, and the heavy carriages passing through the said roads, are become ruinous, &c.

The toll took place 24 May 1726. and is to continue for 21 years.

C A P. XIX.

An act for enlarging the term granted by an act passed in the ninth year of the reign of her late majesty Queen Anne, intituled, An act for repairing the highways from Sheet-Bridge in the parish of Petersfield to the town of Portsmouth in the county of Southampton, and for making the said act more effectual.

The private act 9 Ann. c. 8. further continued for 20 years. *Continued by 15 Geo. 2. c. 14.*

C A P. XX.

An act for enlarging the term granted by an act passed in the twelfth year of the reign of her late majesty Queen Anne, intituled, *An act for repairing the highway or road from the city of Worcester to the borough of Droitwich in the county of Worcester*, and for making the same more effectual; and for repairing other roads therein mentioned, in the said county of Worcester.

The private act 12 Ann. st. 2. c. 3. continued from 1 June 1726, for the further term of twenty one years. *Continued by 22 Geo. 2. c. 43.*

C A P. XXI.

And act for repairing and enlarging the road from Liverpool to Presfoot, and other roads therein mentioned, in the county palatine of Lancaster.

The toll took place the first of June 1726, and is to continue for 21 years. *Continued by 19 Geo. 2. c. 19.*

C A P. XXII.

An act to continue two acts of parliament for repairing the highways between Wymondham and Attleborough, and from Wymondham to Hetherfet in the county of Norfolk; the one passed in the seventh and eighth years of the reign of his late majesty King William the Third, and the other in the seventh year of the reign of her late majesty Queen Anne; and for repairing the road from the mouth of Wigmore-lane to Hall-Walk Gate in Attleborough in the said county.

By this act the act of 7 & 8 W. 3. c. 26. and the private act of 7 Ann. c. 4. are continued for twenty one years. *Continued by 20 Geo. 2. c. 16.*

C A P. XXIII.

An act for repairing the roads leading from the western part of the parish of Shenfield to Harwich in the county of Essex, and the road leading from Chelmsford in the said county to Sudbury in the county of Suffolk, and from Margretting to Malden in the county of Essex, and from Colchester to Langham in the same county. P R.

The toll took place the 1st of May 1726, and is to have continuance for 21 years. *Continued by 20 Geo. 2. c. 7.*

C A P. XXIV.

An act for repairing the road from the city of Gloucester to Stone, and also the roads to and near Berkley, Dursley, Wotton under Edge, Stroud and Sodbury in the county of Gloucester.

The

The toll took place the 24th of June 1716, and is to continue for 31 years.
Continued by 19 Geo. 2. c. 13.

CAP. XXV.

An act to enable the present and future inhabitants of the east, north and west sides or lines of Saint James's Square, to make a rate on themselves for raising money sufficient to clean, adorn and beautify the said square, and to continue the same in repair.

Trustees appointed for adorning St. James's Square. Annoying the square by filth, &c. forfeits 20 s. Incroachments forfeit 50 l. No hackney coach to ply there, on pain of 10 s. A rate on the houses not exceeding 10 s. a foot yearly for the three front lines. Houses, occupied by ambassadors, to be paid by the landlords. Differences to be determined by the trustees. Trustees to appoint collectors and receivers. Square exempt from scavengers rates. Inhabitants, &c. may advance not exceeding 6000 l. by annuities for 31 years. Trustees may mortgage the rates. New ones to be chosen in the room of trustees deceased.

CAP. XXVI.

An act for repealing the duty laid upon snuff, by an act made in the eighth year of her late Majesty's reign, and for ascertaining the rates according to which the remaining duties are to be paid, and for giving further encouragement to the Greenland fishery.

MOST gracious Sovereign, whereas by an act made in the eighth year of the reign of her late majesty Queen Anne, intituled, An act for granting to her Majesty new duties of excise, and upon several imported commodities, and for establishing a yearly fund thereby, and by other ways and means, to raise nine hundred thousand pounds, by sale of annuities, and (in default thereof) by another lottery, for the service of the year one thousand seven hundred and ten, a new duty of three shillings for every pound-weight Avoirdupois, over and above all other duties, was laid upon all snuff imported or to be imported into the kingdom of Great Britain, at any time or times after the sixth day of February one thousand seven hundred and nine, within or during the term of thirty two years, such snuff not being of the product or manufacture of her Majesty's plantations which act has been since made perpetual: and whereas it is notorious, that since the laying of the said new duty, great quantities of snuff have been clandestinely and fraudulently imported, and run into this kingdom, to the diminution of his Majesty's revenues, and the discouragement of the fair traders; for remedy whereof, we, your Majesty's dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the thirty first day of May in the year of our Lord one thousand seven

6 Geo. 1. c. 4.
s. 1.

Act 8 Ann. c.
7. relating to
snuff, repealed.

seven hundred and twenty six, the said new duty of three shillings *per* pound weight, imposed by the said recited act of the eighth year of her said late Majesty's reign, upon snuff imported into this kingdom as aforesaid, shall cease and determine, and be no longer due or payable for any snuff to be imported into this kingdom, after the said thirty first day of *May* one thousand seven hundred and twenty six. 8 Annæ. c. 7.

II. *And whereas other duties upon snuff imported into this kingdom are now payable according to the value sworn to or affirmed by the importers; which, by experience, has been found to be very unequal, some persons greatly undervaluing the same, to the detriment of the revenue, and discouragement of the fair traders; for remedying the said abuse, and for putting the said trade on a more equal foot, be it enacted by the authority aforesaid, That all provisions and clauses contained in any former act or acts of parliament, so far as they relate to the ascertaining the value of snuff imported, according to the oaths or affirmations of the importers, shall, from and after the said thirty first day of May one thousand seven hundred and twenty six, be and are hereby repealed and made void.* Rates on snuff ad valorem repealed.

III. *And be it further enacted by the authority aforesaid, That in lieu of the said former rates and duties ad valorem, repealed by this act, all snuff which shall at any time or times, after the said thirty first day of May one thousand seven hundred and twenty six, be imported into any port or place within this kingdom, shall, upon the importation thereof, be rated to, and pay the old subsidy granted by the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, according to the several rates and values herein after mentioned, (and not according to the values sworn to or affirmed by the importers) that is to say, all snuff imported in British ships, from any of the British plantations in America, or from any part of the Spanish West-Indies, shall be rated at two shillings and six pence for every pound weight Avoirdupois, and in that proportion for any greater or less quantity; and all snuff imported from Italy, Spain, Portugal and all other foreign parts, except France, shall be rated at five shillings for every pound weight Avoirdupois, and in that proportion for any greater or less quantity.* Snuff to pay the old subsidy.
12 Car. 2. c. 44
Imported from America at 2s. 6d per lb.
from Italy, &c. 5s.

IV. *And be it further enacted by the authority aforesaid, That in all cases where any of the said sorts of snuff are by law subject or liable to the payment of the further subsidy the one third subsidy, the two thirds subsidy, the additional impost, or the said old subsidy, or in proportion thereto, the same shall, from and after the thirty first day of May one thousand seven hundred and twenty six, be paid proportionably, according to the particular value set thereon for the old subsidy aforesaid, and not according to the oath or affirmation of the importer; any thing in the respective acts, which granted the said duties, or in any other act to the contrary notwithstanding.* Further subsidy, &c. to be paid according to the value set for the old subsidy.

V. *And*

Drawback of
all the duties,
except old
subsidy.

V. And be it further enacted by the authority aforesaid, That upon the exportation of any of the said sorts of snuff, within the time allowed by law, the duties paid or secured for the same at importation as aforesaid, shall be drawn back or allowed to the exporter, on a proper debenture to be made forth for that purpose, except the old subsidy.

Duty how to
be levied.

VI. And be it enacted and declared by the authority aforesaid, That the several subsidies, impositions and duties upon the said several sorts of snuff shall be paid or secured, and shall be raised, levied and collected in such manner and form, and by such ways and means, and under such penalties and forfeitures, and with such discounts, allowances and drawbacks (except as herein is excepted) as are mentioned and expressed in the several acts of parliament, which granted or continued the same respectively; and all powers, penalties, provisions, articles and clauses therein contained (except in such cases where any alteration is made by this act) shall continue in full force and effect, during the continuance of the said respective subsidies, impositions and other duties, and shall be applied, practised and executed for the raising, levying, collecting, securing, answering, paying and appropriating the said respective subsidies, impositions and other duties, according to the true intent and meaning of this present act, as fully and effectually, to all intents and purposes, as if the said clauses, matters and things had been repeated and enacted in the body of this present act; any law or other matter or thing to the contrary notwithstanding.

Encourage-
ment to the
Greenland
fishery, by
10Geo. I. c. 16.
extended to
Davis's
streights for
7 years.

VII. *And whereas by an act made in tenth year of his Majesty's reign, intituled, An act for encouraging the Greenland fishery, it was enacted, That from and after the twenty fifth day of December one thousand seven hundred and twenty four, it should and might be lawful for any of his Majesty's British subjects, for and during the space of seven years, to import whalefins, oil and blubber of whales taken and caught in the Greenland seas, in British ships, navigated according to law, without paying any custom, subsidy or other duties for the same, the captain, master or other commanding officer of the ship or vessel importing the same first making oath as therein is directed, That all the whalefins, oil and blubber imported in such ship or vessel was really and bona fide the fins, oil or blubber of whales caught and taken in the said Greenland seas by the crew of such ships and vessels only; whereof the captain or master and one third part at least of the mariners were British subjects: and whereas several of his Majesty's British subjects do fish with British ships and vessels in the Streights, commonly called Davis's Streights, and the seas thereto adjoining; be it declared and enacted by the authority aforesaid, That the benefit of the said last mentioned act, shall, from and after the twenty fourth day of June one thousand seven hundred and twenty six, be extended to such of his Majesty's British subjects, as shall fish in the said streights in British ships or vessels navigated as aforesaid; and that from and after the said twenty fourth day of June one thousand seven hundred and twenty*

ty six, it shall and may be lawful for any of his Majesty's *British* subjects to import whalefins, oyl, or blubber of whale, seal oyl, seal skins, or any other produce of seals, or other fish or creatures taken or caught in the *Greenland* seas, or in *Davis's streights*, or in any other parts of the seas adjoining or adjacent thereunto, without paying any custom, subsidy, or other duty for the same, during the same term, and under the same rules, methods, and restrictions, as are mentioned in and prescribed by the aforesaid act, with respect to whalefins, oyl, and blubber of whales taken and caught in the *Greenland* seas, and imported from thence into this kingdom; any law, custom, or usage to the contrary notwithstanding.

C A P. XXVII.

An act for vesting in his Majesty an imposition of two pennies Scots upon all ale and beer brewed and sold in the city of Glasgow and privileges thereof, for satisfying the damages and losses which Daniel Campbell, esq; lately suffered in a riot there.

MOST gracious Sovereign, Whereas their late majesties King William and Queen Mary, and her late majesty Queen Anne, and the states of parliament of Scotland, in the years one thousand six hundred and ninety three and one thousand seven hundred and five, did grant and continue to the city of Glasgow an imposition of two pennies Scots (over and above the duties then payable to the crown) upon each pint of ale and beer to be brewed, in brought, vended, tapped and sold within the said city, and other places in the said act mentioned, for several terms of years since expired; and by an act of the first year of your Majesty's reign it is, amongst other things, enacted, ^{1 Geo. 1. stat. 2. c. 44.} That such and the like rates, duties and impositions, as by the act passed in the parliament of Scotland upon the fifteenth day of June one thousand six hundred and ninety three, were granted, and which were continued by another act of the parliament held in Scotland upon the one and twentieth day of September one thousand seven hundred and five, upon each Scots pint of ale and beer, to be either brewed or brought in, vended, tapped and sold within the said city, liberties and suburbs thereof (excepting ale and beer that should be brewed and vended in the Gorbals, or any other lands within the said cities or privileges, that are taxed to the publick within the shire) shall be further continued, and be paid and payable to the magistrates and town-council of the said city of Glasgow, and their successors in office, for their use and behoof, and that from and after the expiration of the term of years, contained in the said act passed in the parliament of Scotland upon the one and twentieth day of September one thousand seven hundred and five, until the first day of November one thousand seven hundred and thirty eight: and whereas Daniel Campbell, esq; a member of the house of commons of Great Britain, sustained great losses and damages in a late riot at Glasgow, on account of the concern he had, or was supposed to have had, in promoting the act for laying a duty upon malt for the year one thousand seven hundred and twenty five; and it being just and

reasonable that the said damages and losses should be made good and repaired to the said Daniel Campbell, we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty that it may be enacted, &c.

After 24 June 1726, the imposition of two pennies Scots on beer brewed in Glasgow no longer payable to that city: but vested in his Majesty. To be under the management of the commissioners of excise. On payment of 6080l. Glasgow discharged. Daniel Campbell to be paid out of the revenues.

C A P. XXVIII.

An act for the improvement of his Majesty's revenues of customs, excise and inland duties.

5 Geo. 1. c. 11. **W**HEREAS in and by an act made and passed in the fifth year of his present Majesty's reign, several penalties were inflicted on officers of the revenue, and others concerned in making collusive seizures of foreign goods, and for giving rewards to persons discovering the same; notwithstanding which such practices are still carried on, to the diminution of his Majesty's revenues and the detriment of the fair traders: for the better preventing whereof, with respect to tea, coffee, foreign brandy, rum or other foreign exciseable liquors, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June in the year of our Lord one thousand seven hundred and twenty six, it shall and may be lawful to and for the respective commissioners of the customs, excise and inland duties, to cause all such goods which shall be seized by any officers of the customs or excise, and inland duties or others, for unlawful importation, or for nonpayment of duties, or for any other cause of forfeiture, to be proceeded against according to the several laws now in force concerning the same; and the said respective commissioners may cause all such tea and coffee, which shall be seized within the limits of the city of London or Edinburgh, and condemned, to be publicly sold there respectively; and for such tea and coffee as shall be seized in any other ports or places within this kingdom, the said commissioners may cause the same, after condemnation, to be brought to and publicly sold in the said cities of London or Edinburgh respectively; and for all such foreign brandy, rum or other foreign exciseable liquors, which shall be seized for nonpayment of duty, or for being prohibited to be imported, the said respective commissioners shall, after condemnation, cause the same to be publicly sold to the best bidder, at such places as the said commissioners shall think proper; any law, custom or usage to the contrary in any wise notwithstanding.

After 24 June 1726, forfeited goods to be proceeded against by the laws in force.

Tea, coffee and foreign brandy how to be sold.

Officers to have one third arising from the sale.

II. And be it further enacted by the authority aforesaid, That the officer of the customs or excise, and inland duties, or other person making such seizure, shall, for his encouragement, be

be allowed by the said respective commissioners, one third part of the full sum arising from the publick sale of all such tea, coffee, foreign brandy, rum or other exciseable liquors, free from all charges of condemnation and sale.

III. Provided always, and be it further enacted by the authority aforesaid, That the said respective commissioners, if they shall think fit, may cause such tea, as cannot be sold at a publick sale for five shillings the pound weight, to be burnt or otherwise destroyed, and the officer or other person making the seizure, to be rewarded in such manner as the said commissioners shall think proper, such reward not exceeding one shilling and six pence for each pound weight of such tea.

Tea not worth 5 s. per lb. to be burnt.

IV. And be it further enacted by the authority aforesaid, That the commissioners of the customs shall cause the remaining part of the produce of such sales, after paying the reward to the officer, and the charges of condemnation and sale for such seizures as are made by any officer of the customs, to be paid into the receipt of his Majesty's exchequer, in lieu of his Majesty's moiety, as now practised; any law, custom or usage to the contrary notwithstanding.

Remainder of the produce of customs to be paid into the exchequer.

V. And be it enacted by the authority aforesaid, That the commissioners of excise or inland duties, shall cause the remaining part of the produce of such sales, after paying the reward to the officer, and the charges of condemnation, and other necessary charges, for such seizures as are made by any officer of excise, and inland duties, to be paid as now practised, in lieu of the King's moiety; any law, custom or usage to the contrary notwithstanding.

Remainder of excise, &c. to be paid as now practised.

VI. And the better to prevent any imbeizlement of such goods after seizure, be it enacted by the authority aforesaid, That no officer of the customs, or other person, shall be entitled to any reward given on the seizure of any such goods by virtue of this act, unless notice thereof be by him given to the next officer of excise, or to the supervisor of the district where such seizure shall be made, within forty eight hours after seizure, who shall be obliged on such notice to take a particular account of the species and quantities of such goods; nor shall such goods be afterwards removed without a permit or certificate signed by such officer of excise and inland duties, or supervisor of the place or district from whence such goods are to be removed, under the penalties of such goods being resealed as forfeited by any other officers of the customs, or by any officer of excise and inland duties; and such re seizures shall and may be sued for, prosecuted and recovered by virtue of this act, or any other law now in force relating to the customs or excise, and inland duties.

No custom officer entitled to such reward without notice to next excise-officer.

Nor goods removed without permit.

VII. And be it further enacted by the authority aforesaid, That if any officer of the customs, excise or inland duties, shall deal or trade in tea, coffee, or in brandy, or other exciseable liquors, such officer shall not only lose his said office or employment, but also forfeit and lose the sum of fifty pounds to any person who shall inform or sue for the same, and be likewise rendered in-

No officer to deal in tea, coffee, brandy, &c.

in-

incapable of having any place or employment in any branch of his Majesty's revenue for the future, which last penalties and forfeitures shall and may be sued for, prosecuted and recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in his Majesty's court of exchequer at *Edinburgh* in *Scotland* respectively.

VIII. And be it declared and enacted by the authority aforesaid, That if any foreign goods shall be seized for nonpayment of duties, or any other cause of forfeiture, and any dispute shall arise, whether the customs, excise or inland duties have been paid for the same, or the same have been lawfully imported, or legally compounded for or condemned, or concerning the place from whence such goods were brought, then and in such cases the proof thereof shall lie on the owner or claimer of such goods, and not on the officer, who shall seize or stop such goods; any thing in an act of parliament made in the sixth year of his Majesty's reign, intituled, *An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office and house-money*, to the contrary notwithstanding.

IX. Provided always, and be it further enacted and declared by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend to hinder the respective officers, or other proper persons, from suing for, prosecuting and recovering the several penalties provided for by the several laws as they now stand in force, with respect to the goods or persons aforementioned.

X. And be it further enacted by the authority aforesaid, That all tobacco seized for being prohibited, or for nonpayment of duty, shall be after condemnation publicly sold at such places, as the commissioners of his Majesty's customs in *England* or *Scotland* respectively shall think proper; and that the officer, or other person authorized, making such seizure, shall for his encouragement be allowed one third part of the publick gross sale of such tobacco, free from all charges of condemnation and sale.

XI. Provided always, and be it further enacted by the authority aforesaid, That the commissioners of the customs, if they shall think fit, may cause all such tobacco, as will not sell publicly for the duties, to be burnt or otherwise destroyed; and the officer, or such other person making such seizure, to be rewarded in such manner as they shall think proper, not to exceed one penny *per* pound weight.

XII. And be it further enacted by the authority aforesaid, That the said commissioners of the customs shall cause the produce of such sales, after paying the reward to the seizer, and the charges of condemnation and sales, to be paid into the receipt of his Majesty's exchequer, in lieu of his Majesty's share; any law, custom or usage to the contrary notwithstanding.

XIII. And be it declared and enacted by the authority aforesaid, That all tobacco stalks or stems stript from the leaf, shall be prohibited to be imported; and on seizure and condemnation there-

Onus probandi
for foreign
goods to lie on
the owner.

6 Geo. 2. c. 21.

Officers may
sue as the laws
now stand in
force.

Tobacco seized,
to be sold,
and officer to
have one third
of the sale.

Tobacco that
will not sell for
the duties, to
be burnt, &c.

Produce of the
sales after
charges, &c.
to be paid into
the exchequer.

Tobacco
stalks prohibi-
ted.

thereof the commissioners of his Majesty's customs shall and may cause the same to be publickly burnt; and shall and may allow the officer for his encouragement, in making the seizure, one penny for every pound weight of such stalks or stems so seized and condemned, clear of all charges of condemnation.

XIV. *And whereas by an act passed in the eighth year of his present Majesty it is enacted, That every ship, vessel or boat, of the burthen of forty tons or under, importing foreign brandy, arrack, strong waters or spirits, shall be forfeited, with all her tackle, furniture and apparel; and after condemnation thereof, the principal officers of the customs in the port or place, where the same shall be at the time of condemnation, are thereby directed to cause the hull of such ship, vessel or boat to be burnt and wholly destroyed: and whereas by the same act it is likewise enacted, That if any boat, wherry, pinnace, barge or galley rowing or made or built to row with more than four oars, shall be found upon the water, or in any barge-house, work-house, shed, or other place within any of the counties of Middlesex, Surrey, Kent or Essex, or in the river of Thames, either above or below London-Bridge, or within the limits of the ports of London, Sandwich or Ipswich, or the members or creeks to them or either of them respectively belonging (except as therein is excepted) such boat, wherry, pinnace, barge or galley, with all her tackle and furniture, shall be forfeited; and after condemnation thereof, the principal officers of the customs in the port or place, where the same shall be at the time of condemnation, are thereby directed to cause such boat, wherry, pinnace, barge or galley, to be burnt and wholly destroyed: and whereas it will be of service to his Majesty in his customs to have the use of such ships, vessels, boats, wherries, pinnaces, barges or galleys, to prevent the foul traders carrying on their clandestine designs, in importing prohibited goods, and fraudulently landing goods liable to the payment of duties, or relanding goods after the same have been shipped for exportation; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's customs to cause any such ship, vessel, boat, wherry, pinnace, barge or galley (except as before is excepted) which shall be seized for any of the reasons aforesaid and condemned, to be used by the officers of his Majesty's customs, in case the same or any of them shall be found to be of service, together with the tackle, furniture, apparel and materials belonging thereunto, the officer or officers who seized the same, being first paid his or their share or shares, according to the direction of the before recited act; any law, statute or custom to the contrary notwithstanding.*

XV. *Provided always, and be it further enacted by the authority aforesaid, That if the commissioners of his Majesty's customs shall not think fit, for his Majesty's service, to make use of any such ship, vessel, boat, wherry, pinnace, barge or galley, that then and in such case the said commissioners shall cause the principal officers of the customs, in the port or place where the same shall be at the time of condemnation, to see the hull thereof burnt, as if this act had never been made.*

8 Geo. 1. c. 18.
Vessels of 40
tons, or under
seized import-
ing brandy,
&c. may be
used by custom
officers, &c.

Except the
commissioners
shall not think
fit to use such
vessel.

Justices where seizures are made to administer an oath to the persons to view them, and return the value, &c.

XVI. *And whereas in pursuance of several acts of parliament informations are exhibited before the justices of the peace, on seizures made by officers of the customs, salt, excise, or inland duties, of goods clandestinely run, or being prohibited, and of vessels, boats, carriages, horses, and other cattle, in order to their hearing and determining the same; and it being necessary in order thereunto, that a proper valuation be put thereon before the same are condemned, agreeable to the practice now used in his Majesty's court of exchequer; be it enacted by the authority aforesaid, That one or more justice or justices of the peace, of the county or place where such seizure shall be made, shall have power to administer an oath to such person or persons, as they think proper, who shall be skilled in the nature and value of the goods, vessels, boats, carriages, horses, and other cattle, mentioned to have been seized in the information or informations exhibited before any justices of the peace, to view the same, and to make a return of the species, quantity, quality, and value thereof, to such justices of the peace, in a limited time; and after the goods, vessels, boats, carriages, horses, and other cattle, shall be condemned by the judgment of such justices of the peace, the same shall be publickly sold to the best bidder, at such places, and at such times, as the said respective commissioners shall think proper; any law, custom, or usage to the contrary notwithstanding.*

Searcher after entry, to examine any bale, whereon there is a drawback, &c.

XVII. *And for the better preventing frauds in the entering for exportation any goods, whereon there is a drawback, bounty or premium, or of goods prohibited to be worn or used here, or pepper, to the prejudice of the revenue; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any searcher, or other proper officer of the customs, after the entry of any of the said goods, and before or after the shipping thereof, to open and strictly examine any bale, trufs, chest, or other package, to see if the goods are right entred; and if on such examination the same shall be found to be right entred, the searcher or other proper officer shall, at his own charge, cause the same to be repacked (which charge shall be allowed to the said officer by the commissioners of the customs, if they think it reasonable) but in case the officer shall on examination find such goods to be less in quantity or value than is expressed in the exporter's indorsement upon his entry, or that shall be entred under a wrong denomination, whereby his Majesty would have been defrauded, all such goods may be seized, and the same shall be forfeited and lost, and the owner or merchant shall lose the benefit of receiving the drawback or bounty for such goods, and the value thereof.*

On discovery of fraud may seize.

Goods shipped for exportation without warrant or presence of officer, forfeited.

XVIII. *And whereas great quantities of the goods and merchandizes, on which considerable duties are due and payable to his Majesty, and divers other sorts of goods prohibited to be exported, are by evil-disposed persons frequently shipped for parts beyond the seas, without the presence of the proper officer of the customs, to the great prejudice of the revenue, and all fair traders: for the preventing so great an evil, be it enacted by the authority*

rity aforesaid, That if any such goods or merchandizes shall be shipped for parts beyond the seas without a warrant, or without the presence of an officer of the customs appointed for that purpose, all such goods and merchandizes, or the value thereof, shall be forfeited and lost; one moiety whereof to the use of his Majesty, and the other moiety to him or them that will seize or sue for the same; any law to the contrary notwithstanding.

XIX. *And whereas by an act made and passed in the twelfth year of her late Majesty's reign, it is enacted, That the commissioners of the customs for the time being shall in all cases, where goods are brought into his Majesty's store-houses for security of the customs, or other duties due thereon, and which shall have remained there for the space of twelve months, the duties not paid, compounded for, or otherwise secured, cause them to be publickly sold, and the produce to be applied as in the said act is directed: and whereas it is found by experience that the said time is too long, several goods being liable to decay, and thereby lessened in their value; be it therefore declared and enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the customs for the time being, to cause all such goods, which are or shall be brought into his Majesty's warehouses, and shall have remained there for the space of six months, to be publickly sold, and the produce to be applied as in the said act is directed and appointed; any thing in the said act, or in any other act to the contrary notwithstanding.*

Goods brought into his Majesty's warehouses remaining there six months to be sold.
12 Ann. stat. 2. c. 8.

XX. *And whereas by an act made in the sixth year of his present Majesty, it is amongst other things enacted, That any merchant, or other person, who shall find his wine so damaged, corrupt or unmerchantable, and shall think fit to stave, spill, or otherwise destroy the same, shall, over and above the duties, be allowed as a compensation for the freight, and other charges, for every ton of wine of the growth of Germany, or wines which pay duty as such, and of the growth of France, the sum of four pounds; and wines of the growth of Spain, Portugal, or elsewhere, the sum of eight pounds per ton; which allowances have been by experience found too great, several persons having found it their interest to import mean and corrupt wines, for the sake only of the said allowances, to the lessening of his Majesty's revenue: for the better preventing whereof, be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's customs, to cause such wines as any merchant or other person shall refuse to pay or secure the duties for, as being damaged, corrupt or unmerchantable, to be received into the custody of proper officers of the customs, together with the casks or other package containing the same, and put into proper warehouses; and the said commissioners are hereby impowered to cause such wines, instead of their being staved, spilt, or otherwise destroyed, by virtue of the said act of the sixth year of his Majesty's reign, to be publickly sold, in order to be distilled into brandy, or to be made into vinegar, taking sufficient security to his Majesty's use,*

Damaged wines to be warehoused and sold to be distilled into brandy.
6 Geo. 1. c. 12.

The produce of the sale to be paid to the merchant, not exceeding the allowances
6 Geo. 1. c. 12.

that such wines be not made use of for any other purpose whatsoever; such security to be discharged on a proper certificate, that such wines have been so made use of within three months after the same shall have been delivered out of such warehouses; and the commissioners of the customs shall cause the produce of such sale, without fee or reward, to be paid to the merchant, or other person, as a compensation for the freight, and other charges of such wine, not exceeding the allowances aforesaid; and in case there shall be any overplus arising by such sale, beyond the said allowances for freight, and other charges, the said commissioners shall cause the same to be replaced to the duties, out of which the charges of warehouse rent, and other charges attending the keeping and selling the said wines, are or shall be paid; any law, custom or usage to the contrary notwithstanding.

No drawback for tobacco, or foreign goods, to the Isle of Man, after
24 July 1726.

XXI. *And whereas great sums of money are paid out of his Majesty's duties of customs on account of debentures for tobacco, and other foreign goods and merchandizes shipt for exportation to the Isle of Man; and it being found by experience, that the greatest part of such tobacco, and other foreign commodities, are shipt for the Isle of Man, with no other intent than fraudulently to reland the same on the coast of Great Britain or Ireland, by which evil practices his Majesty's revenues of customs are very much lessened, and the fair traders prejudiced and discouraged in their trade: for remedy whereof, be it enacted by the authority aforesaid, That no drawback shall be allowed for any tobacco, or other foreign goods or commodities whatsoever, exported after the twenty fourth day of July in the year of our Lord one thousand seven hundred and twenty six, from Great Britain or Ireland to the Isle of Man; any law, custom or usage to the contrary notwithstanding.*

No commodities, except of the growth, &c. of the Isle of Man, to be brought into Great Britain or Ireland.

XXII. *And be it further enacted by the authority aforesaid, That no tobacco, wine, brandy, East-India, or other goods or commodities whatsoever, other than such as are of the growth, product or manufacture of the Isle of Man, shall be brought from the said island, after the said twenty fourth day of July, into the kingdoms of Great Britain or Ireland, or within the limits of any port thereto belonging, on any pretence whatsoever; and in case any ship, vessel or boat, having on board any such goods brought from the said Isle of Man (except as aforesaid) shall be found within the limits of any port of Great Britain or Ireland, or discovered to have been within the limits of any port of Great Britain or Ireland as aforesaid, whether bulk has been broke or not, having such goods on board as aforesaid, such ship, vessel or boat, together with the tackle, apparel and furniture, and also all such goods so found on board, or the value thereof, shall be forfeited and lost; and every person who shall take any such commodities (except as aforesaid) out of any ship, vessel or boat, coming from the Isle of Man, within the limits of any port as aforesaid, or carry the same on shore, or convey the same from the shore when landed, contrary*

Penalty.

trary to the true intent and meaning of this act, or be aiding or assisting therein, shall forfeit the sum of one hundred pounds, or suffer six months imprisonment, at the discretion of the court, in which he shall be convicted of such offence.

XXIII. And be it further enacted by the authority aforesaid, That if any merchant or other person shall, after the said four and twentieth day of *July* one thousand seven hundred and twenty six, enter any foreign goods for exportation, to parts beyond the seas, other than to the said *Ile of Man*, in order to obtain the drawback for the same, and such goods shall nevertheless be carried to the said island and there landed, contrary to the true intent and meaning of this act, that then and in such case, the exporter of such goods shall forfeit the drawback, or the amount thereof, paid or to be paid for the same, as also the treble value of the said goods; and the master of the ship or vessel on board which such goods shall be shipped and landed as aforesaid, shall be subject and liable to the same penalties and forfeitures, and shall also suffer six months imprisonment, without bail or mainprize.

XXIV. And be it enacted by the authority aforesaid, That from and after the said four and twentieth day of *July* one thousand seven hundred and twenty six, the *Ile of Man* shall be added to, and included in the oath, upon all debentures for foreign goods exported, whereon the exporter is to swear that such goods are not landed, or intended to be landed in *Great Britain*, or *Ireland* respectively, without which the officers of the customs shall not suffer the debentures to pass; any law or custom to the contrary notwithstanding.

XXV. And for the better enabling his Majesty to prevent the said frauds and abuses, in the exporting or importing goods and merchandizes to and from the *Ile of Man*, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the lord high treasurer for the time being, on the behalf of his Majesty, his heirs and successors, and also to and for the right honourable *James* earl of *Derby*, his tenants or assigns, the right honourable *John* lord *Ashburnham*, for and on behalf of his daughter *Henrietta* Bridget *Ashburnham*, an infant, *Bryan* Fairfax, esquire, trustee for the said infant, or the survivor of them, and all or any other person or persons claiming or to claim by, from, or under the said earl, or any of his ancestors, to treat, contract and agree for the absolute purchase or sale, release or surrender, to or for the use of his Majesty, his heirs and successors, of all or any estate, right, title or interest, which he the said earl, his tenant, the said *Henrietta* Bridget *Ashburnham*, or such other person or persons now have or claim, or can or may have or claim in or to the said island or lordship of *Man*, or in or to all or any regalities, powers, honours, superiorities, jurisdictions, rights, privileges, duties, customs, revenues, profits, or other advantages whatsoever, in, over, or about the said *Island*

of *Man*, or its dependencies, for such sum or sums of money or upon such other terms or conditions as they shall think fitting; and that upon the executing of such contracts or agreements by or on the behalf of the said earl, his tenants, the said *Henrietta Bridget Ashburnham*, or such other person or persons claiming or to claim under him, or any of his ancestors as aforesaid, or upon executing such other conveyances, assignments, releases or surrenders, as in such contract or contracts shall be agreed on for that purpose, it shall and may be lawful to and for the said commissioners of the treasury now or for the time being, or any three or more of them, or the lord high treasurer for the time being, and they are hereby impowered by and out of any monies arisen or to arise to his Majesty, his heirs or successors, of or for any customs, subsidies, impositions, or other duties upon the importation or exportation of any goods or merchandizes whatsoever already granted or payable, or hereafter to be granted or payable to his Majesty, his heirs or successors, in *Great Britain, Wales or Berwick upon Tweed*, to order and direct the payment of such sum or sums of money, from time to time, as shall be so contracted or agreed on for such purchase or purchases, to such person or persons as, according to the terms of such contracts or agreements, shall be entitled to have and receive the same.

Henrietta Bridget Ashburnham; notwithstanding her minority, may convey her estate therein.

XXVI. And it is hereby further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the said *Henrietta Bridget Ashburnham*, notwithstanding her minority, by and with the consent of the said *John lord Ashburnham* her father, and the said *Bryan Fairfax*, or the survivor of them, to convey and assure all her estate and interest in the *Ile of Man*, and premises aforesaid, or any part thereof, pursuant to any contract or agreement, which shall be made by virtue of the powers in this act given; and such conveyance or assurance shall be good and effectual in law, to all intents and purposes, as if the said *Henrietta Bridget Ashburnham* was of the full age of one and twenty years; any law, custom or usage to the contrary thereof in any wise notwithstanding: and the money to be paid as the consideration of such conveyance, shall be paid to such person as the high court of chancery shall direct, and when paid, shall be laid out by the direction of the said court of chancery for the benefit of the said *Henrietta Bridget Ashburnham*, her executors, administrators and assigns.

Persons in prison on information relating to the customs, excise or salt, not pleading by the space of one term, judgment to be entred by default, and

XXVII. And be it further enacted by the authority aforesaid, That from and after the twenty third day of *May* one thousand seven hundred and twenty six, if any person or persons that now is or are, or shall be in prison for want of sufficient bail (such person or persons being taken by *Capias* or *Capias's* issued out of his Majesty's court of exchequer, or any other his Majesty's courts of record at *Westminster* or *Edinburgh*) upon any information or informations exhibited in any of the said courts against them or any of them, for having been aiding, assisting, or otherwise concerned in the unshipping out of any ship or vessel,

fel, ships or vessels, boat or boats, with intention to be laid on land, any sort of goods or merchandizes whatsoever, liable to the payment of any duties whatsoever, either customs, excise or salt, or any goods or merchandizes prohibited to be imported into this kingdom, or for having any such goods or merchandizes whatsoever knowingly come to his or their hands; or upon any information or informations for non-payment of duties relating to the customs, excise or salt-duty; or upon any information or informations already exhibited, or to be exhibited in any of the said courts, in relation to any fraud or frauds about any drawback or certificate goods or merchandizes, or in relation to any other fraud or frauds whatsoever, already committed or to be committed, in order to diminish or lessen the revenue of the customs, excise or salt-duty, or upon any penal law or statute whatsoever, relating to the said revenues; and shall refuse or neglect to appear or plead to any such information or informations to be delivered to such person or persons, or to the gaoler, keeper or turnkey of the prison or prisons, at the prison or prisons wherein such person or persons shall be confined or imprisoned for any of the said offences, by the space of one term, judgment shall be entred against him or them by default; and in case judgment shall be obtained against any such person or persons by default, verdict, or otherwise, and such person or persons shall not pay the sum recovered against him or them for any of the said offences, execution shall be thereupon awarded and issued, not only against the body or bodies of such person or persons so in prison as aforesaid, but also against all the real and personal estate or estates of such person or persons, though such person or persons continue in prison for such sum or sums of money so to be recovered against him or them; any law, custom or usage to the contrary notwithstanding.

execution
awarded a-
gainst body
and estate.

XXVIII. *And whereas great quantities of prohibited goods, and goods liable to the payment of customs, excise or salt-duty, are by evil-disposed persons fraudulently landed in this kingdom, and goods pretended to be shipped outwards, entitled to a drawback or bounty, are frequently not shipped, or after the shipping thereof reloaded, whereby they become liable to several penalties; but knowing themselves subject to be prosecuted for the said offences, and that their fraudulent practices may in time be discovered, do frequently, before any discovery can be made by the officers of the revenues, cause informations to be entred and filed against themselves in some of the courts at Westminster or Edinburgh, in the name of some person or persons, on his, her or their behalf; and if no discovery be made of the said fraudulent practices by the officers of the revenues, the said informations are never prosecuted; but in case the said frauds are discovered by any officer or officers of the revenues, who thereupon enter and file real informations against such offender and offenders, then either some secret agreement or agreements is or are made by such offender or offenders with such person or persons, who have filed or exhibited such informations on the behalf of such offender or offenders, or else a plea*

No informa-
tion to be filed
for recovery
of any penalty
by the laws of
the customs,
&c. unless en-
tered in the at-
torney gene-
ral's name, or
of some offi-
cer.

or pleas of priority of suit is or are pleaded in bar of such real informations prosecuted by the officers of the revenues, whereby the said offenders evade the several penalties inflicted by law, to the great prejudice of the crown, and also to the discouragement of real prosecutions; for the prevention of such fraudulent practices, be it enacted by the authority aforesaid, That from and after the twenty third day of *May* one thousand seven hundred and twenty six, it shall not be lawful for any person or persons whatsoever, to enter, or cause or procure to be entred, filed or prosecuted, any information or informations in any of the said courts against any person or persons for the recovery of any penalty or penalties inflicted by any of the laws of the customs, excise, and the duty upon salt, unless the same be entred, filed, and prosecuted in the name of his Majesty's attorney general, or in the name or names of some officer or officers of some or one of the aforesaid revenues of customs, excise or salt-duty: and if any information or informations is or are entred in any other person's name or names than as is before-mentioned, the same, and all proceedings thereupon had, are hereby declared to be null and void; and the said court or courts where such information or informations is, are or shall be so entred, filed or prosecuted, shall not permit or suffer any proceeding or proceedings to be had thereupon, and shall cause such information or informations to be taken off the file; any law, custom or usage to the contrary notwithstanding.

No dealer in cocoa-nuts to dispose of less than 28 lb. at one time,

and to enter in a book, to whom all cocoa-nuts are sold, to be perused by the officer.

XXIX. *And for preventing the frauds of such chocolate makers, who buying small quantities of cocoa-nuts, do clandestinely make the same into chocolate, and in like manner sell and dispose of the chocolate so made, without paying the inland duty thereon, whereby his Majesty is defrauded of and in the said inland duty on chocolate;* be it enacted by the authority aforesaid, That from and after the twenty fourth day of *June* one thousand seven hundred and twenty six, no seller of, trader or dealer in cocoa-nuts, shall in any parcel or parcels sell, deliver out or dispose of less than the quantity of twenty eight pounds weight of cocoa-nuts at the least, at any one time or times; and further, that from time to time, and at all and every time and times when such seller of, trader or dealer in cocoa-nuts, shall either sell, deliver out or dispose of any parcel or parcels of cocoa-nuts, of twenty eight pounds weight or more, the party or parties so selling, deliver in out or disposing of such cocoa-nuts, shall enter or cause to be entred down an account in writing, of the christian and surname and names, and place and places of abode of the person and persons to whom, or to or for whose use, or for or upon whose account such cocoa-nuts shall be so sold, delivered out or disposed of; and upon demand or request made by any officer or officers of and for the inland duties on chocolate, shall produce such account or accounts to such officer or officers, and shall permit him or them not only to inspect and peruse the same, but also thereof and therefrom to take an account of the name

and names, place and places of abode of the person and persons to whom or for whose use, or for or upon whose account such cocoa-nuts shall be or shall have been sold, delivered out or disposed of, on pain of forfeiting and losing the sum of twenty pounds for every pound of cocoa-nuts, which shall either be sold, delivered out or disposed of in any parcel or parcels not containing or amounting in the whole to twenty eight pounds of cocoa-nuts at the least, or which shall be, or shall have been so sold, delivered out or disposed of, without entring down, or causing to be entred down in such account or accounts in writing as aforesaid, the name and names, and place and places of abode, of the person and persons to whom or to or for whose use, or for or upon whose account such cocoa nuts shall be or shall have been so sold, delivered out or disposed of; and on pain of forfeiting and losing the sum of twenty pounds every and each time and times, when such seller of, trader or dealer in cocoa-nuts shall refuse to permit such officer or officers for the said inland duties, to inspect and peruse such account or accounts as aforesaid, or thereout or therefrom to take such account or accounts as aforesaid.

Penalty.

XXX. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June* one thousand seven hundred and twenty six, no gauger or officer of his Majesty's duties, either of excise or of any other duty, which at this time are or hereafter shall be under the management of his Majesty's commissioners of excise, either as commissioners of excise and commissioners of other respective duty or duties, or as commissioners of any such duty or duties, shall be liable or subject to any penalty or forfeiture whatsoever, for omitting or neglecting to deliver or leave, or for not delivering or leaving a copy or copies of any charge or charges made by such gauger or gaugers, officer or officers, for or on account of the said duties or any of them respectively, unless such copy or copies shall by the respective party or parties entitled, or that shall be by law entitled to have such copy or copies, or by his, her or their order or orders, be required and demanded in writing, of and from such gauger or gaugers, officer or officers respectively; any law or usage to the contrary thereof in any wise notwithstanding.

No officer of excise subject to penalty for not leaving a copy of charge, unless required in writing.

XXXI. And be it further enacted by the authority aforesaid, That no action, bill, information or plaint, shall be brought or prosecuted against any such gauger or gaugers, officer or officers, for any such last mentioned offence or neglect, unless the same shall be commenced before the twenty seventh day of *April* in the year of our Lord one thousand seven hundred and twenty six.

No action for such offence, unless commenced before 27 April 1726.

XXXII. *And whereas discoveries have been lately made of great quantities of foreign goods, liable to the payment of customs, excise or the duties on salt, which have been clandestinely imported without paying the same; but the facts not being discovered within the time prescribed by law for prosecutions to be commenced, for the penalties by law*

law

Treasury may compound for debts for the customs of clandestinely imported goods before 12 May 1723.

How forfeitures to be recovered, &c.

law imposed for such offences, his Majesty can only prosecute for the duties in the name of his attorney general, by informations in nature of actions of debt for recovery thereof; and whereas several persons against whom such informations in nature of actions of debt have been or may be brought, cannot pay the full sum they are or may be sued for respectively, the same amounting in many cases to very large sums, but may be able to pay some part thereof, in case a composition could be made with them for the same; be it enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's treasury or any three or more of them, or the lord high treasurer, or the commissioners of the treasury for the time being, or any three or more of them, to make such compositions or agreements, as to him or them shall seem reasonable, for any such debts incurred by any persons, for the customs or other duties of goods so clandestinely imported as aforesaid before the twelfth day of May in the year of our Lord one thousand seven hundred and twenty three, and upon payment of the composition-money, to cause the remainder of the debt so compounded for, to be effectually discharged, and the composition-money so paid, to be applied or appropriated, in proportion to the several branches to which the same doth or may belong; any law, statute or usage to the contrary in any wise notwithstanding.

XXXIII. And it is hereby further enacted by the authority aforesaid, That all forfeitures and penalties by this act imposed for any offence which shall be committed, relating to any part of his Majesty's revenues under the management of the commissioners of excise, or inland duties in *Great Britain*, shall be sued for, levied and recovered or mitigated by such ways, means and methods, as any fine, penalty and forfeiture is or may be recovered or mitigated, by any law or laws relating to his Majesty's revenues of excise or any of them or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster* or the court of exchequer at *Edinburgh* respectively (except where it is otherwise provided for by this act) and all forfeitures and penalties by this act imposed for any offence which shall be committed relating to any part of his Majesty's revenues under the management of the commissioners of his Majesty's customs in *Great Britain*, shall and may be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster* or the court of exchequer at *Edinburgh* respectively, except where it is otherwise provided for by this act; and that all forfeitures and penalties hereby imposed for any offence which shall be committed in the kingdom of *Ireland*, contrary to this act, shall be sued for, recovered and levied by such ways, means and methods, as any penalty or forfeiture is or may be sued for or recovered by virtue of any law or laws in force in *Ireland*, relating to his Majesty's revenue there, and one moiety of all such forfeitures and penalties imposed by this act, shall be to his Majesty, his heirs and successors, and the other moiety thereof to him or them who

who shall seize, inform or sue for the same, except in such cases where it is otherwise directed by this act.

XXXIV. And it is hereby enacted by the authority aforesaid, That if any person or persons shall be sued, molested or prosecuted for any thing done by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence in his defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff shall discontinue his action, or be nonsuited, or judgment shall be given against him upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff.

General issue.

C A P. XXIX.

An act to prevent frivolous and vexatious arrests.

FOR the more effectual preventing frivolous and vexatious arrests, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June* one thousand seven hundred and twenty six, no person shall be held to special bail upon any process issuing out of any superior court, where the cause of action shall not amount to the sum of ten pounds or upwards; nor out of any inferior court, where the cause of action shall not amount to the sum of forty shillings or upwards; and that in all cases, where the cause of action shall not amount to the sum of ten pounds or upwards in any such superior court, or to forty shillings or upwards in any such inferior court (and the plaintiff or plaintiffs shall proceed by the way of process against the person) he, she or they shall not arrest or cause to be arrested, the body of the defendant or defendants, but shall serve him, her or them personally, within the jurisdiction of the court, with a copy of the process; and if such defendant or defendants shall not appear at the return of the process or within four days after such return, in such case it shall and may be lawful to and for the plaintiff or plaintiffs, upon affidavit being made, and filed in the proper court, of the personal service of such process as aforesaid (which said affidavit shall be filed *gratis*) to enter a common appearance or file common bail for the defendant or defendants, and to proceed thereon, as if such defendant or defendants had entered his, her or their appearance, or filed common bail; any law or usage to the contrary notwithstanding.

Explained and amended by 5Geo. 2. c. 27.

None to be held to special bail in a superior court under 10l.

Nor in an inferior court, under 40s.

But to be served personally with a copy of the process.

Not appearing, plaintiff may enter a common appearance, &c.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and twenty six, in all cases where the plaintiff or plaintiffs cause of action shall amount to the sum of ten pounds, or forty shillings or upwards as aforesaid, affidavit shall be made and filed of such cause of action (which affidavit may be made before any judge or commissioner of the court, out of which such process shall issue, authorized to take affidavits in

Where the cause of action amounts higher, affidavit to be made thereof, and the sum indorsed on the back of the writ, &c.

such

such courts, or else before the officer who shall issue such process or his deputy, which oath such officer or his deputy are hereby impowered to administer;) and for such affidavit one shilling over and above the stamp-duties shall be paid and no more; and the sum or sums specified in such affidavit shall be indorsed on the back of such writ or process, for which sum or sums so indorsed, the sheriff or other officer to whom such writ or process shall be directed, shall take bail, and for no more: but if after the said twenty fourth day of *June* one thousand seven hundred and twenty six, any writ or process shall issue for the sum of ten pounds or upwards, and no affidavit and indorsement shall be made as aforesaid, the plaintiff or plaintiffs shall not proceed to arrest the body of the defendant or defendants, but shall proceed in like manner, as is by this act directed in cases where the cause of action does not amount to the sum of ten pounds, or forty shillings or upwards as aforesaid.

21 Jac. 1. c. 23.

III. *Whereas the statute made in the twenty first year of the reign of King James the First, for the more effectual preventing the delays and expences occasioned by the removal of small causes out of inferior courts, has been of late evaded and rendered ineffectual, by the contrivance of vexatious defendants, who by setting up a fictitious action against themselves, for a pretended demand of five pounds or upwards, by such their contrivance procure the smallest actions to be removed by writs of habeas corpus, out of the inferior into the superior courts, whereby the plaintiffs, in such small actions, which will not bear the expence of such superior courts, are necessitated to submit to the loss of their just demands; now for preventing such abuses, and rendering the said statute more effectual for the future, be it enacted by the authority aforesaid, That from and after the said four and twentieth day of *June* the judge or judges of such inferior courts, as are described in the said statute, shall or may proceed in such actions, bills, plaints, suits or causes as are therein specified, which appear or are laid, not to exceed the said sum of five pounds, although there may be other actions against such defendant or defendants, wherein the plaintiff or plaintiffs demands shall or may exceed the said sum of five pounds.*

Judge of inferior courts may proceed in suits not exceeding 5 l. though there may be other actions higher.

Persons convicted of forgery, &c. practising as attornies, &c. offending against this act, to be transported.

IV. *And for avoiding the great mischiefs and abuses which arise from infamous and wicked persons already convicted of wilful perjury or forgery, practising as attornies or solicitors, in courts of law and equity; be it enacted, That if any person who hath been or who shall be convicted of forgery, or of wilful and corrupt perjury, or subornation of perjury, or common barratry, shall, after the said four and twentieth day of *June*, act or practise as an attorney, or solicitor or agent, in any suit or action, brought or to be brought in any court of law or equity, within that part of *Great Britain* called *England*, the judge or judges of the court, where such suit or action is or shall be brought, shall, upon complaint or information thereof, examine the matter in a summary way in open court; and if it shall appear*

pear to the satisfaction of such judge or judges, that the person complained of, or against whom such information shall be given, hath offended contrary to this act, such judge or judges shall cause such offender to be transported for seven years to some or one of his Majesty's colonies or plantations in *America*, by such ways, means and methods, and in such manner, and under such pains and penalties, as felons in other cases are by law to be transported.

V. Provided always, That this act or any thing herein contained, shall not extend to that part of *Great Britain* called *Scotland*. Not to extend to Scotland.

VI. Provided also, and be it enacted by the authority aforesaid, That this act shall continue in force for the term of five years, and from thence to the end of the next session of parliament, and no longer.

For the continuance of this act see 5 Geo. 2. c. 27. Revised and made perpetual by 21 Geo. 2. c. 3.

C A P. XXX.

An act for continuing an act made in the ninth year of his Majesty's reign, intituled, An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice.

WHEREAS the act herein after mentioned hath by experience been found useful and beneficial, and is near expiring; may it therefore please your majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and 9 Geo. 1. c. 22. by the authority of the same, that an act made in the ninth year of his present Majesty's reign, intituled, *An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice,* which act was to continue in force for three A& 9 Geo. 1. years, from the first day of *June* one thousand seven hundred and twenty three, and from thence to the end of the then next continued for 5 years, &c. session of parliament, shall be, and is hereby continued for 24 Geo. 2. c. 57. five years, and during the space of five years, and from thence to the end of the then next session of parliament.

C A P. XXXI.

An act for the better regulating trials by Nisi Prius in the county of Middlesex.

WHEREAS in and by an act of parliament made in the eighteenth year of the reign of *Queen Elizabeth*, intituled, *An act for trial of Nisi prius in the county of Middlesex, power is respectively* 18 Eliz. c. 12.

respectively given to the chief justice of the King's bench, the chief justice of the common pleas, and the chief baron of the court of exchequer for the time being, and in the absence or default of any of them, to two other judges or barons of the same several courts, where it shall happen either of the same chief justices, or chief baron for the time being, to be absent, to try issues as justices of *Nisi prius* for the said county of Middlesex within the term-time, or within four days next after the end of any term; and whereas the restraining the time for such trials, after the term, to four days, hath frequently occasioned delay of justice, and the requiring the presence of two judges or barons, in the absence of any of them the said chief justices or chief baron, is found by experience to be very inconvenient: for remedy thereof, Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in parliament assembled, and by the authority of the same, That from and after the first day of *Easter* term in the year of our Lord one thousand seven hundred and twenty six, it shall and may be lawful to and for the chief justice of the *King's Bench*, the chief justice of the *Common Pleas*, and the chief baron of the court of *Exchequer* for the time being, and every of them respectively and in the absence or default of any of them, to and for any other judge or baron of the said several courts, where it shall happen either of the said chief justices, or the chief baron for the time being, to be absent, as justices of *Nisi prius* for the said county of *Middlesex*, within the term or within the space of eight days after the end of any term respectively, to try all such issues, as by the said act they or any of them are enabled to try, in such place and manner, and with and under such powers, authorities and provisions, as in and by the said recited act, or any other act of parliament or law whatsoever concerning the premises, are prescribed and contained; any thing in the said recited act to the contrary hereof in any wise notwithstanding.

The chief justices or chief baron,

and in their absence, any other judge or baron in term, or within eight days after, may try issues of *nisi prius*. See 24 Geo. 2. c. 18.

Sheriffs, &c. are to give attendance, &c. as by 18 Eliz. provided.

II. And be it further enacted by the authority aforesaid, That all sheriffs, officers, ministers, parties, witnesses, jurors and other persons whatsoever, who by the said recited act were required to give attendance upon the said chief justices and chief baron, or other judges and barons, or to make return of process, or do or execute any other matters or things whatsoever, relating to trials to be had by virtue of the said recited act, shall be charged and obliged respectively to give their attendance, make return of process, and do and execute all other matters and things whatsoever relating to any trials to be had by virtue of this act, in the like manner, and under the like penalties and forfeitures, as in or by the said recited act are expressed or provided, as fully and effectually to all intents and purposes, as if the same and every of them had been repeated and inserted in this present act.

C A P. XXXII.

An act for better securing the monies and effects of the suitors of the court of chancery; and to prevent the counterfeiting of East-India bonds, and indorsements thereon; as likewise indorsements on South-Sea bonds.

WHEREAS the lords commissioners for the custody of the great seal of Great Britain, did, on the twenty sixth day of May in the year of our Lord one thousand seven hundred twenty and five, make an order for the masters of the high court of chancery to deliver into the bank of England the money, bonds, tallies, orders and effects of the suitors of the said court under their respective care and direction, and for other matters therein contained: and whereas the lord high chancellor of Great Britain did, by an order dated the fourth day of November following, direct the said order of the said twenty sixth day of May to be kept and observed, with the explanations, alterations and additions in the said order of the fourth of November contained, and did thereby extend the said orders to the usher of the said court, and also to all the effects of the suitors under the care of the said court: and whereas the ordering part of the said order of the twenty sixth day of May is verbatim recited and contained in the said order of the fourth of November, and the said order of the fourth of November is as follows:

Jovis quarto die Novembris one thousand seven hundred and twenty five.

Ordo Curie.

‘ Whereas the right honourable the late lords commissioners
 ‘ for the custody of the great seal of *Great Britain*, taking into
 ‘ their serious consideration the ill consequence and great preju-
 ‘ dice, which already had, and might hereafter ensue to the sui-
 ‘ tors of this court, by having their monies left in the sole pow-
 ‘ er of the masters of this court; and likewise conceiving that
 ‘ the bonds, tallies, orders and effects of the suitors under the
 ‘ direction of the said several masters, then locked up in the
 ‘ vault of the bank of *England* in several chests, under the care
 ‘ of the said masters respectively, and of two of the six clerks,
 ‘ might be as safely deposited with the bank of *England* in the
 ‘ manner herein after mentioned: and to the end that the money
 ‘ of the suitors might be secured for their use and benefit, with
 ‘ the least charge and inconvenience to them, and that they
 ‘ might receive further satisfaction in relation thereto, and how
 ‘ the same should be applied and disposed of, their lordships did
 ‘ on the twenty sixth day of *May* last order and direct in the
 ‘ words following:

“ That every master of this court, together with the said six Masters, &c. to
 “ clerks, do go to the bank of *England*, and open their respect- open their
 “ ive chests, and that the said masters, together with the said six chests in the
 “ clerks bank, and
 “ make a sche-

dule of all
bonds, &c. and
deliver them
over to the
bank.

“ clerks and one of the cashiers of the bank, do make a true
“ and perfect schedule of all the bonds, tallies, orders and ef-
“ fects deposited in the said several chests, specifying their re-
“ spective numbers, dates and sums, and likewise of the cash
“ deposited therein, and do by such schedule deliver over the
“ same to the bank of *England*, and that at the time of such de-
“ livery each master shall receive from the bank a certificate of
“ the receipt of the bonds, tallies, orders and effects, and like-
“ wise of the cash so delivered by each master respectively, un-
“ der the seal of the bank of *England*, and that such certificate
“ be carried by each master to the report office, and there filed;
“ and that such bonds, tallies, orders and effects, and cash be
“ entred causewise in books to be kept by each master in the re-
“ port office; and that such masters as have been deficient in
“ bringing in their balance of cash are hereby required to enter
“ the same, but not causewise, till they shall have severally made
“ good their whole deficiencies, and that likewise there be en-
“ tred in such books causewise, the several stocks of which the
“ masters have already declared trusts in the said several compa-
“ ny’s books, and that an exact duplicate of such books be kept
“ with the bank by each respective master.

Bank to re-
ceive the inte-
rest on such
bonds, &c.

“ And it is further ordered, That the bank shall at all times
“ hereafter receive all interest due upon such bonds, tallies and
“ orders, as likewise the dividend of all such stocks in the com-
“ pany’s books, of which the masters have declared trusts for
“ the suitors of this court; and that the masters do for that pur-
“ pose, by a proper authority, authorize and empower one of
“ the cashiers of the bank to receive the same, and that from
“ time to time such interest of money and dividends of stock be
“ entred in the respective masters accounts, to be so kept with
“ the bank in the said books, and that the masters shall at the
“ end of every term draw out of their respective books at the
“ bank, an account in writing of the interest and dividends so
“ received and entred in their accounts, and enter the same cause-
“ wise in their respective books at the report office.

Masters to
bring in their
balance of
cash.

“ And it is further ordered, That the several masters, instead
“ of the stock and annuities, of which they have declared trusts
“ to answer their balance of cash, shall bring in their balance of
“ cash, and deposit the same with the bank.

When money,
&c. shall here-
after be taken
into the care
of the court,
master to di-
rect it into the
bank.

“ And it is further ordered, That when any money or tallies,
“ orders or bonds, at or after the hearing of any cause, shall here-
“ after be taken under the care and direction of this court, the
“ master named by the order shall direct the payment of such
“ money, or the delivery of such tallies, orders and bonds into
“ the bank, and upon payment or delivery thereof accordingly,
“ the monies so paid, and the orders, tallies and bonds so deli-
“ vered, shall be entred in the masters accounts kept with the
“ bank; but the masters shall have no power to issue any money
“ entred in their said accounts, or to direct any of the said secu-
“ rities to be delivered out, but the same shall be ordered to be
“ paid

“ paid or delivered to the suitors, in manner herein after mentioned.

“ And it is further ordered, That when any money shall be paid, or tallies, orders or bonds delivered into the bank, pursuant to the directions aforesaid, the party so paying such money, or delivering in such tallies, orders or bonds, shall take a certificate from one of the cashiers of the bank, of his paying and delivering in of the same, and of their being placed to the proper masters account; and shall carry the said certificate to such master, who shall thereupon make his report of the payment of such money, or delivery of such tallies, orders and bonds into the bank, and file the same at the report-office; and that the clerk of the said office do enter the same in the master's book causewise, and place the same to the proper account of the respective master there.

The party paying, to take a certificate from a cashier, and deliver it to the master.

“ And it is further ordered, That when any money shall hereafter be directed to be laid out on government securities, the species of the particular securities, in which the same shall be directed to be invested, be for the future mentioned in the order: and in case any of them shall consist of *East-India* bonds, *South-Sea* bonds or exchequer-tallies and orders, the same shall be delivered in at the bank, of which delivery such certificate shall be given to such master, by one of the cashiers of the bank as aforesaid, and proper entries thereof shall be made in the account of the master mentioned in such order; and if any such securities shall consist of stock in any of the said companies, such stock is to be transferred to such master, who shall make a declaration of trust in the companies books, That the same is subject to the orders of this court, and shall take a certificate thereof from the proper officer of the respective company, and likewise enter the same to his book at the bank, that the bank may receive the dividends thereupon, and shall also make a report of all such securities; which certificate and report shall be filed at the report-office, and therein mention and specify the same dates and numbers of such bonds, tallies and orders, and quantities of stock, and of the time of the transfer of such stock to him, and the clerk of the report-office is to enter the dates, sums and numbers of the bonds, tallies and orders, and quantities of stock in such report mentioned, in the proper master's books kept there.

Money directed to be laid out on government securities.

“ And it is further ordered, That when any securities deposited or to be deposited at the bank, shall be directed by order of court to be delivered out, the register shall certify to the master what security is to be delivered out together with the numbers, dates and sums of such securities, and the name of the cause where- in the same is to be delivered out; which certificate the clerk in court, or solicitor in the cause, shall deliver to the master, who shall countersign the same, and such certificate so countersigned, shall be a proper authority for the bank to deliver over such security, and enter the delivery of such securities in the master's accounts causewise: and it is hereby declared to be

When securities are directed to be delivered out of the bank, register to certify.

Wednesdays
and Fridays
appointed for
taking in and
delivering out
bonds, &c.

When stock is
to be trans-
ferred to sui-
tors, register
to certify r

His certificate
sufficient for
maisters to
transfer.

How the mo-
ney is to be
paid to the
suitors.

“ the duty of the master to supervise such entry, and to certify
“ the same into the report-office, there to be filed.

“ And for ascertaining the times for the delivering out and
“ taking in of bonds, tallies and orders, by the bank, it is here-
“ by ordered, That the same shall be so taken in and delivered
“ out, on *Wednesdays* and *Fridays* in every week, between the
“ hours of ten in the forenoon and one in the afternoon, and
“ the master shall receive from the suitor the usual fees for mak-
“ ing the report and filing the same, and no more, and shall an-
“ swer the fee for filing the report to the report-office.

“ And it is further ordered, That when any stock in any of
“ the companies books (of which any of the masters have, or
“ shall declare trusts for any of the suitors) shall be ordered to
“ be transferred by any of the masters to the suitors, the register
“ shall certify under his hand to the master, what stock he is by
“ such order to transfer, and to whom; which certificate the
“ clerk in court, or solicitor in the cause, shall carry to the ma-
“ ster, who shall, within one week, or at the then next opening
“ of the respective companies books, attend in person, and de-
“ liver such certificate to the proper officer of such company,
“ and transfer such stock, or give sufficient authority to some o-
“ ther person so to do.

“ And it is hereby declared, That such certificate shall be an
“ authority to the respective companies, to permit the said ma-
“ ster, or other persons by them lawfully authorized, to transfer
“ such stocks, of which transfer the master is hereby ordered
“ and directed to make his report, and procure the same to be
“ filed in the report-office, for the making and filing of which
“ report the master shall receive from the suitor the usual fees,
“ and answer the fee for filing of the report to the report-office;
“ and the transfer of such stock shall be certified by the master
“ to the bank, in order that such stock may be discharged out
“ of the account of the master in his book there.

“ And it is further ordered, That when any money belong-
“ ing to the suitors of this court, received by the bank, pursuant
“ to this or any other order for that purpose made, shall be di-
“ rected to be paid by order of this court, the clerk in court, or
“ solicitor in the said cause, do carry the said order to the ma-
“ ster, who shall forthwith make a certificate thereof, which
“ certificate such clerk or solicitor shall forthwith file in the re-
“ port-office; and that the master do by note under his hand
“ draw on the bank, for so much money as shall be so directed
“ to be paid, upon cheque paper fairly written, and signed by
“ the master, which note of the master shall be carried to the re-
“ port-office, and an entry made thereof in the master's book
“ there, and *Intratur* shall be written thereon, and signed by the
“ register; which note so entred and signed shall be sufficient
“ authority to the bank to pay such money to the person men-
“ tioned in such note, or to such person as he or she by indorse-
“ ment shall order to receive the same, as likewise to write off
“ the same from such master's account there; but when any
“ sum

“ sum of money shall be directed to be paid to any suitor out of
 “ such money, so to be received by the bank, for interest or
 “ maintenance, the master shall by note under his hand upon
 “ cheque paper, without any certificate, draw on the bank for
 “ the same; and such note being signed by the master, and entred
 “ in the report-office, and countersigned by the register, as is
 “ before directed, shall be a proper authority for the bank to pay
 “ the same.

“ And it is further ordered, That Mr. *John Bennett*, Mr. *Benet*,
 “ *Conway*, Mr. *Kinaston* and Mr. *Thomas Bennett* do in their books &c. to enter
 “ to be kept in the report-office, and at the bank, - enter their their deficien-
 “ respective deficiencies of their balance of cash, and do forth- cies of cash.
 “ with sell the severall estates and effects that they have convey-
 “ ed and assigned to Mr. *Holford*, and that the money arising by
 “ the sale thereof be by the purchasers paid into the bank, and
 “ that the said masters do immediately pay and make good their
 “ said deficiencies; and in default thereof, upon application to
 “ be made by the said suitors by petition (for which petition no
 “ fee or reward shall be taken) the court will make such further
 “ order for their relief as shall be just.

“ And it is hereby further ordered, That Mr. *Edwards* do Mr. *Edwards*
 “ forthwith make up the account of what he has received of the and Mr. *Thur-*
 “ effects of Mr. *Dormer*, and how the same has been paid out, ston to make
 “ when, to whom, and by what order: and that Mr. *Thurston* up the accounts
 “ do make up the account of what he hath received of the ef- of Mr. *Dormer*
 “ ffects of Mr. *Borrett*, and what he hath paid out to the suitors and Mr. *Bor-*
 “ of the court, when, to whom and by what order; and that rett's effects.
 “ such accounts be entred in their respective books at the report-
 “ office; and whatever shall be remaining in their hands due to
 “ the suitors of the court, out of the effects of Mr. *Dormer* or
 “ Mr. *Borrett*, or shall hereafter come to their hands out of the
 “ said effects, shall be by the said Mr. *Edwards* and Mr. *Thurston*
 “ respectively paid into the bank, and entred in distinct accounts,
 “ to be kept there, and upon petition by the suitors, to whom
 “ such money shall belong (for which petition no fee or reward
 “ shall be taken) the court will make such further order therein,
 “ as shall be just.

“ And it is further ordered, That every master do, on the first Mr. *Edwards*
 “ day of every term, give an account in writing to the secretary first day of
 “ of the lord chancellor, lord keeper, or lords commissioners of term, to give
 “ the great seal for the time being, of all monies and securities, an account to
 “ or stocks that they have issued or transferred in the respective lord chancel-
 “ causes before them since their last account, together with the lor's secretary
 “ dates of such orders, and that the masters do diligently, from of monies
 “ time to time, compare such account with their books kept at transferred
 “ the report-office, and at the bank. since last ac-
 “ count.

“ And it is further ordered, That all the present masters of All masters to
 “ this court, and every other person who shall hereafter be ad- conform to
 “ mitted and sworn as a master of this court, and all other per- these orders.
 “ sons whatsoever, do in all things conform to and observe this
 “ order, and all matters and things herein contained.

No fee, except to master and clerk of the report-office.

“ And it is further ordered, That no person or persons whatsoever shall receive or take any fee or reward for doing or transacting any business, matter or thing in pursuance of this order, other than the masters of this court, and the clerk of the report-office respectively; and the masters shall only take the same fee for a certificate as they have been intitled to for a report, and no more; and the clerk of the report-office shall only take the same fee for filing the certificate or report, as the clerk of the report-office has been intitled unto for filing the same; and that any person presuming to take any new fee or reward, shall be looked upon as guilty of extortion, and upon complaint thereof made to the court shall be punished with the utmost severity.

“ And it is further ordered, That this order be forthwith published, and set up in all the offices belonging to this court concerned in this order.

This order to be firmly kept, not hereby altered.

“ And whereas the said order is for the benefit and security of the suitors of this court, and may be further improved to that end, by the several alterations, additions and explanations herein after contained: therefore it is now ordered by the right honourable the lord high chancellor of *Great Britain*, That the said order of twenty sixth day of *May* last, wherein it is not herein after varied or altered, shall be firmly kept and observed, together with the explanations, alterations and additions following.

Masters to bring in accounts of all monies, &c. for which they are answerable, not included in former accounts, and deliver them over to the bank, &c.

“ And it is hereby ordered and directed, That all the masters of this court do forthwith bring in, and leave with the register of this court, compleat accounts, home to the time of bringing in such accounts, of all monies, stocks, bonds, tallies, mortgages, securities and other effects belonging to any of the suitors of this court, in their respective hands, custody or power, or for which they are respectively answerable, and not included in any of their accounts formerly delivered into the register's office; and that all the said masters do forthwith, by schedule, deliver over to the bank of *England*, all sums of money, bonds, notes, orders, tallies, deposits, securities and other effects in any wise belonging to the suitors of this court, in their respective hands, power or custody, or for which they are answerable, mortgages only excepted; and shall also specify in such schedule the several annuities and stocks which each of them respectively by himself, or jointly with others, hath in trust for any of the suitors of this court; and that at the time of the delivery of such money and other effects, such master shall receive from the bank, a certificate of the receipt thereof, and also of the said specification of the said annuities and stocks, under the seal of the bank of *England*; and that such certificate be carried by each master to the report-office, and there filed; and that such sums of money, bonds, notes, annuities, stocks and other securities and effects of the suitors, shall be entred causewise in books kept by each master in the report-office, and in the bank, except as to such masters who are deficient in their balance of cash;

' cash; which deficient masters are hereby required to enter the
 ' same in their respective books, left at the bank and at the re-
 ' port-office, but not causewise, till they shall severally have made
 ' good their deficiencies, except such securities or stocks as were
 ' specifically appropriated, or trusts declared, to or for any of the
 ' suitors of this court; which said stocks and securities such de-
 ' ficient masters, as well as the other masters, are respectively to
 ' enter in their said respective books causewise; and the bank is to
 ' receive the interest, produce and dividends of all the said se-
 ' curities, annuities and stocks, as also the interest, produce and
 ' dividends due or hereafter to be due on all stocks, bonds, tal-
 ' lies, orders, annuities and other securities, whereof any of the
 ' masters of this court are now possessed, or hereafter shall be
 ' possessed of, in trust for the suitors of this court; or have already
 ' declared, or at any time hereafter shall declare any trust for
 ' any of the said suitors; and that each master of the court, do
 ' from time to time, empower one of the cashiers of the bank to
 ' receive the same; and that from time to time such interest,
 ' produce and dividends shall be entred in the respective master's
 ' accounts at the bank; and that at least at the end of every term,
 ' but oftner if there be occasion, the bank shall certify causewise
 ' to each master the several sums so received, respectively belong-
 ' ing to the suitors of this court, under such master's respective
 ' care and inspection, to the end that each master may make like
 ' entries in the respective books kept by themselves and likewise,
 ' deliver a copy thereof to the clerk of the report-office, who is
 ' forthwith to cause the same respectively to be entred causewise
 ' in the respective master's books at the report-office: and as to
 ' mortgages, which any of the masters of this court have now
 ' singly by themselves, or jointly with others, in trust for the
 ' suitors of this court, the particular trust shall be indorsed on
 ' the back of the mortgage deed, if it be not so already indorsed, or
 ' inserted in the body of the deed; and as to all such future mort-
 ' gages, the particular trusts shall be inserted in the body of the
 ' mortgage-deed; and all interest and principal to be hereafter
 ' paid in on all such mortgages, shall, by the party paying, be
 ' paid into the bank, in manner and form as is herein after di-
 ' rected concerning the payment of money into the bank.

' And whereas in and by the said recited order it is ordered,
 ' That when any money, tallies, orders or bonds, at or after the
 ' hearing of any cause, should be thereafter taken under the care
 ' and direction of this court, the master named by the order
 ' should direct the payment of such money, or the delivery of
 ' such tallies, orders and bonds into the bank, with other pro-
 ' visions therein contained: now, for the explaining and enlarg-
 ' ing the said part of the said order, it is hereby further ordered,
 ' That all monies, tallies, orders, bonds, securities or other ef-
 ' fects of the suitors of this court, by any former order directed
 ' to be brought in before, paid or delivered to, any master of this
 ' court, which have not yet been so paid in or delivered, and also
 ' all monies, tallies, orders, bonds, securities and effects, either

When money,
 &c. is directed
 to be paid in,
 the master to
 certify the
 date of the
 order, &c.

' before, at or after the hearing of any cause to be hereafter di-
 ' rected to be taken under the care of, or to be brought before,
 ' or delivered in, or paid to any master of this court, shall not be
 ' brought before, delivered or paid to such master; but when any
 ' security, sum of money or other effects are ready to be deli-
 ' vered or paid in, in obedience to any such order, the master to
 ' whom the cause stands referred, or to whom, or by whom the
 ' delivery or payment is directed to be made, shall, on applica-
 ' tion by the party interested, his clerk in court, or solicitor in
 ' the cause, certify the date of such order, and the sum of money,
 ' tallies, orders, bonds, deposits, securities and other effects then
 ' to be paid or delivered in upon such order, and the name of
 ' the cause, to the account of which the same is to be placed;
 ' and upon the said party's, or his clerk in court, or solicitor's
 ' delivering such certificate, and payment of such money, or de-
 ' livering of such tallies, orders, bonds, securities or other ef-
 ' fects into the bank, the same shall be entred in the respective
 ' master's accounts in the bank, and be under the same regula-
 ' tions, as in the said recited order, and herein after is pre-
 ' scribed.

Master's note
 for paying
 money out of
 the bank, to
 be within a
 month after
 date, &c.

' And whereas, according to the method prescribed by the said
 ' recited order, for the payment of any money out of the bank,
 ' belonging to the suitors of this court, the master observing the
 ' regulations in the said recited order contained, is by note under
 ' his hand, to draw on the bank, for such money as shall be
 ' ordered by this court to be paid, which note is to be first car-
 ' ried to the report-office: now it is hereby further ordered,
 ' That such note shall be so limited to be paid within a month
 ' after date; and that if it be not paid within such time, the
 ' note shall be void; and that when such note is carried to the
 ' report-office, there shall be also carried with it the order where-
 ' by such payment was directed to be made, and an entry shall
 ' be made in the master's book at the said office, not only of the
 ' said note, but also a *memorandum* that it was drawn by virtue
 ' of such order, and thereupon an *Intratur* is to be made, and
 ' such other proceedings had, as in the said recited order are
 ' for that purpose prescribed.

Clerk of the
 report-office
 to enter in
 master's books
 the delivering
 out of se-
 curities at the
 bank.

' And whereas by the said recited order it is directed, That
 ' where securities deposited or to be deposited with the bank
 ' shall be delivered out, proper entries shall be made thereof in
 ' the master's accounts at the bank causewise, of which entries
 ' certificates shall be filed in the report-office; but no provision
 ' is made in such order for the like entry in the master's books
 ' in the report-office: it is therefore ordered, That when the
 ' masters do at any time hereafter certify to the report-office
 ' such entry, of the delivering out such securities as aforesaid,
 ' the clerk of the report-office shall make entries according to
 ' such certificate in the respective master's books kept in that
 ' office, of the delivering out such securities as aforesaid.

Mr. Godfrey
 subjected to
 the orders

' And whereas since the making of the said order of the twenty
 ' sixth day of *May* last, *Richard Godfrey*, esq; one of the masters
 ' of

of this court, hath been deficient in bringing in his balance of cash, and is now a deficient master: it is therefore hereby ordered, That the said *Richard Godfrey*, and his estate, and the monies, securities and effects of the suitors in his hands, custody or power, or under his care, shall be subject to the same methods, rules, orders and regulations, as are in and by this and the said recited order prescribed and appointed, in relation to the deficient masters.

And forasmuch as no directions or provisions are laid down in the said order relating to the stocks, securities, monies or effects of or belonging to the suitors of this court, in the name, hands or custody, or under the care of the usher of this court, and to the intent that due caution may be taken touching such stocks, securities, monies and effects, and one uniform method may be observed: it is therefore further ordered, That the usher of this court do, as to all stocks and annuities of the suitors of this court, standing in his name, forthwith deliver into the respective companies a declaration in writing, that such stocks and annuities are in trust to answer the orders of this court; and the said respective companies are to take care that proper entries be made thereof in their books, so that such stocks or annuities be not transferred, but by order or leave of the court; and that the said usher do forthwith bring in and leave with the register of this court a compleat account, home to the time of bringing it in, of all monies, stocks, bonds, tallies, mortgages, securities and other effects belonging to any of the suitors of this court, in his hands, custody or power, or for which he is answerable; and that he do likewise forthwith, by schedule, deliver over to the bank of *England* causewise, all sums of money, bonds, notes, orders, tallies, deposits, securities and other effects of the suitors of this court, in his hands, custody or power, or for which he is answerable, mortgages only excepted; and do also specify in such schedule the several annuities and stocks which stand in his name, or he hath either singly, or jointly with others, in trust for any of the suitors of this court; and that he do receive from the bank a certificate of the receipt of such schedule, and carry the same to the report-office, and there file it; and that such sums of money, bonds, notes, annuities, stocks and other securities and effects of the suitors, shall be entered causewise in books kept by the usher in the report-office, and in the bank; and that the like method and manner be in these particulars observed by the usher, as in and by this order, and the said recited order is prescribed to the masters of this court; and the bank is to receive the interest, produce and dividends of all the said securities, annuities and stocks, as also of all stocks, bonds, tallies, orders, annuities and other securities, whereof the usher, is or shall be possessed in trust, for any of the suitors of this court, or hath, or shall declare any trust for them, the usher authorizing one of the cashiers of the bank to receive the same; and such entries are to be made thereof, and such rules

Usher of the
court his
duty.

to be observed, as herein, and in the said recited order are set down, to and for the masters of this court; and as to mortgages, which the usher of this court, either singly or jointly, now hath, or hereafter may have in trust for the suitors of this court, the same rules and methods shall be observed by the usher, as in the like cases are herein before prescribed to the masters.

Where money &c. has been ordered to be paid to the usher, it shall be paid into the bank.

And it is hereby further ordered, That where any money, tallies, orders, bonds, mortgages, securities and other effects of the suitors of this court, have by any former order been directed to be brought into this court, or to be brought before, paid or delivered, to the said usher, and have not been yet so brought before, paid or delivered, the same and also all monies, tallies, orders, bonds, securities and other effects, either before, at or after the hearing of any cause to be hereafter ordered or directed to be brought into this court, or to be taken under the care of the usher, shall not be brought before, delivered in or paid to the usher, but shall be paid or delivered into the bank of *England*, under the regulations, and in the manner as the masters are herein, and in the said recited order required to do; and the usher shall on his part, in all things relating hereunto, act in like manner as the masters are in such cases obliged to do.

Usher to observe the like orders as the masters relating to bonds, &c.

And it is likewise further ordered, That if any money or effects of the suitors of this court, shall by the usher, or in his name, be laid out or invested in any bonds, tallies, orders, stocks, annuities, or other securities, the same methods, orders and regulations shall be observed by the usher and others, in relation thereto, as hereby, and by the said recited order, are in like cases prescribed, by the masters.

or in transferring deposits in the bank.

And it is also further ordered, That when any stocks or annuities in the name of the usher shall be hereafter transferred, or any deposits, money, interest or dividends, or other thing contained in the said usher's account, shall be paid or delivered out of the bank, the same method shall be observed, and the said usher and all others, shall act and do in all things relating thereto, as the masters of this court are hereby appointed to do; and in general the same rules, methods, orders and regulations, which are hereby and by the said recited order directed and prescribed to be observed, performed and done by and to the masters of this court, with respect to the monies, stocks, bonds, mortgages, tallies, orders, annuities, securities and other effects of the suitors of this court, in their name, or under their inspection and care, shall be in like cases *mutatis mutandis*, observed, performed and done by and to the usher of this court, with respect to the monies, stocks, bonds, mortgages, tallies, orders, annuities, securities and other effects of the suitors of this court, in his name, or under his inspection or care.

And forasmuch as the usher of this court hath usually had and received, upon the payment of any money or effects into his hands, pursuant to the order of this court, two shillings for every receipt or certificate by him signed, testifying the receipt of

of such money or effects, and hath also usually had and received two pence in the pound of all monies or effects paid or delivered out by him to the suitors of this court; therefore it is further ordered, When any money or effects belonging to the suitors of this court, paid into the bank in the name or on account of the usher, shall be directed to be paid out by the order of this court, and the usher is to make a certificate thereof, to be filed in the report-office, the said usher shall have and receive two shillings for signing such certificate; and for every draught that he shall make on the bank, he shall at the time of such draught receive two pence in the pound of all money contained in such draught, draughts for interest or maintenance excepted; and if the said usher shall presume to take any other fee or reward, he shall be looked upon as guilty of extortion, and upon complaint thereof made to the court, shall be punished with the utmost severity.

Usher's fee.

And to the end that the directions herein before given may from henceforth be uniformly observed, it is hereby further ordered, that in all orders to be hereafter made, relating to the monies or effects of the suitors of this court, the several rules and directions of this order shall be observed and followed, although the same should not be particularly expressed in any such future order.

In all orders hereafter to be made, the rules of this order to be observed.

And it is further ordered, that this order be forthwith published and set up in all the offices belonging to this court, concerned in this order.

This order to be published.

Intr. Edw. Goldesbrough Dep. Reg.

II. And whereas in pursuance of the said orders several of the effects of the suitors of the said court have been delivered into the bank of England, and the said method is for the benefit and security of the suitors, and fit to be observed, subject nevertheless to such alterations and other regulations, as may at any time hereafter, from the exigency or circumstances of affairs, be found reasonable or proper by the said high court of chancery; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said two orders of the high court of chancery be confirmed, and that the same shall be henceforwards observed and kept, unless in such points as shall be varied in this present act, or shall at any time hereafter be varied or changed by the high court of chancery, according as the said court shall, from the exigency or circumstances of affairs, judge reasonable or proper.

The said two orders confirmed.

III. And to the end the account between the suitors of the high court of chancery and the bank of England may be the more regularly and plainly kept, and the state of such account may be at all times seen and known, be it further enacted by the authority aforesaid, That there shall be one person appointed by the high court of chancery, to act, perform, and do all such matters and things relating to the delivery of the suitors money and

An accountant general of the court of chancery appointed.

12 Geo. 2. c. 24.

and effects into the bank, and taking them out of the bank, and the keeping the accounts with the bank, and all other matters relating thereto, as in and by the said recited orders, or either of them, are prescribed and directed to be done and performed by the masters and usher of the said high court of chancery, which said officer so to be appointed shall be called the accountant general of the court of chancery, and shall hold such office during the pleasure of the said court; and an account shall be kept in his name with the bank of *England* for and on the behalf of the suitors of the said court of chancery, in such manner as is directed by the said recited orders, with respect to the masters of the said court and the bank; and the same rules, methods and directions, as are prescribed by the said orders to the suitors, the masters, usher and bank, as to the delivering into, and taking out of the bank the monies and effects of the suitors, and other matters therein contained, shall be observed by the suitors, the bank, and the said accountant general, unless where the court of chancery shall, according to the exigency and circumstances of affairs, otherwise determine and appoint.

Accountant to be in the place of the masters and usher of the court.

IV. And it is hereby further enacted by the authority aforesaid, That the said accountant general shall, as to the several regulations and directions prescribed in the said orders, stand and be in the place and room of the masters and usher of the said court, and shall receive no other fee or reward from the suitors for the exercise of his said office, than what is allowed to the masters in and by the said order of the twenty sixth day of *May* one thousand seven hundred and twenty five; and the several masters and usher of the court of chancery, their executors and administrators, are hereby required with convenient speed, to make up their several accounts with the said accountant general, or any other person thereto authorized by the court of chancery, of all the monies securities and effects of the suitors of the said court in their custody, or under their direction or care; and to pay and deliver into the bank all monies, deposits and effects of the suitors of the said court yet remaining in their several hands, there to be carried to the account of the said accountant general, and to be placed causewise or otherwise, as is already, or shall hereafter be directed by the said court; and all monies, deposits and effects of the suitors of the said court, already deposited with or delivered to the bank by the said masters or usher, or on their account, shall in like manner be carried to the account of the said accountant general, and be placed causewise or otherwise, as is already or shall hereafter be directed by the said court; and the said masters and usher, their executors and administrators, shall be indemnified and discharged of and from all monies, deposits and effects of the said suitors, so paid or delivered into the bank as aforesaid.

Mortgages, &c. now in the name of masters, &c. af-

V. And it is hereby further enacted, That all mortgages, tallies, orders, stocks, annuities, and other transferrable securities, now in the name of any of the said masters or usher, either singly by themselves, or jointly with others, in trust for the suitors

suitors of the said court, shall be assigned and transferred to the said accountant general; and such assignments and transfers shall be freed and discharged from the stamp-duty, and from any other duty imposed thereon by act of parliament; and that all mortgages, tallies, orders, stocks, annuities, and other transferrable securities, to be hereafter taken by the directions of the said court for the benefit of any of the suitors, shall, if appointed to be taken in the name of any officer of the said court, be taken in the name of the said accountant general; and that in all such assignments and transfers to the said accountant general, as also in all such other transferrable securities, to be hereafter taken in his name, the particular trust shall be specified and inserted in the assignment, transfer or security itself; and such other rules and methods of proceeding shall be had and observed with respect to such transferrable securities, by the accountant general and others, as by the said recited orders are respectively appointed to be observed by the masters, usher, and others.

VI. Provided nevertheless, That notwithstanding any thing in this act contained, the said court of chancery shall have full power and authority from time to time, according to the exigency of affairs, to vary, alter or change any part of the regulations in the said orders, or herein before contained, and to make such further or other regulations about the premises, as to the same court shall seem meet and reasonable.

VII. And it is hereby further enacted, That from and after the death or removal of any accountant general, all mortgages, tallies, orders, stocks, annuities, and other transferrable securities, vested in him at the time of such his death or removal, in trust for the suitors of the said court, shall vest in the succeeding accountant general, for the same estates and interests as he then had therein, and subject to the same trusts, without any assignment or transfer whatsoever; and that upon such death or removal of any accountant general, all monies, deposits and effects of the suitors of the said court, for which he shall then have credit in his account with the bank, shall be carried to the account of the succeeding accountant general.

VIII. And to the end that all misapplications or wastings of the subjects money by any officer of the high court of chancery may be intirely prevented for the future, be it therefore further enacted by the authority aforesaid, That the said accountant general shall not meddle with the actual receipt of any of the money or effects of the suitors, but shall only keep the account with the bank; and the said accountant general observing the rules hereby prescribed, or hereafter to be prescribed to him by the said court, shall not be answerable for any money or effects which he shall not actually receive; and the bank of *England* shall be answerable for all the monies and effects of the suitors which are or shall be actually received by them.

IX. And be it likewise further enacted by the authority aforesaid, That if any person or persons shall, from and after the said

signed to the
accountant.

Chancery may
alter any part
of these
orders.

After death,
&c. of ac-
countant, the
securities vest-
ed in his suc-
cessor.

Accountant
not to meddle
with the
suitors money,
but only keep
account with
the bank.

Forging the
hand of the
first

accountant, to
a certificate to
receive suitors
effects in the
bank,

first day of *May* in the year of our Lord one thousand seven hundred and twenty six, forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting the name or hand of the said accountant general, the said register, the said clerk of the report-office, or any of the cashiers of the said governor and company of the bank of *England*, to any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing whatsoever, for or in order to the receiving or obtaining any the money or effects of any of the suitors of the said court of chancery, or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or assist in forging or counterfeiting any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing in form of a certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, made by such accountant general, register clerk of the report-office, or any of the cashiers of the said governor and company of the bank of *England*, or any bond or obligation under the common seal of the united company of merchants of *England* trading to the *East-Indies*, or any indorsement or assignment thereon, or on any bond or obligation under the common seal of the governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery; or shall utter or publish any such, knowing the same to be forged or counterfeited, with intention to defraud any person whatsoever; then every such person and persons so offending (being thereof lawfully convicted) shall be and is hereby declared and adjudged to be guilty of felony, and shall suffer death as in case of felony, without benefit of clergy.

or any East-India or South-Sea bond, is felony without clergy.

C A P. XXXIII.

An act for relief of the suitors of the high court of chancery.

WHEREAS Fleetwood Dormer and John Borrett, *esquires*, deceased, late two of the masters of the high court of chancery, and Richard Godfrey, Edward Conway and William Kinaston, *esquires*, three of the present masters of the said court, have been deficient in answering the money and effects ordered by the court into their hands: and whereas in order to know the state and particulars of the said deficiency, the right honourable the lord high chancellor of Great Britain, pursuant to his Majesty's directions, did by several orders direct several masters of the court of chancery, to inquire into, examine and state the claims and demands of the suitors of the said court, upon those offices wherein the deficiencies happened, and the said masters to whom such inquiry was directed have made their reports, whereby it appears that (besides the deficiency of the said William Kinaston, which is supposed he will be able to make good himself; and after deducting what shall be made and produced by and out of the estates and effects of the said deficient masters, and also the sum of thirty thousand pounds given by his Majesty on the address of the house of commons towards the relief of the

said suitors, and now vested in land-tax tallies for their benefit, with the interest due thereon) there will be, according to the present computation, a deficiency of the sum of fifty one thousand eight hundred fifty one pounds nineteen shillings and eleven pence farthing, besides several other claims in the said offices of the said Fleetwood Dormer and John Borret, deceased, and of the said Richard Godfrey and Edward Conway, not determined by the said masters, but submitted to the determination of the said court, and which if allowed, will greatly increase the said deficiency: and whereas the commons of Great Britain are desirous to relieve the distressed suitors of the said court; therefore to the end that all the said deficiencies may be ascertained, and a full and proper relief may be had, and a sufficient provision may be made for the payment of all the just debts and demands of the suitors of the said court of chancery, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the second day of August which shall be in the year of our Lord one thousand seven hundred and twenty six, there shall be throughout England, the dominion of Wales, and town of Berwick upon Tweed, raised, collected and paid, during the term of sixteen years, for the several and respective things herein after mentioned, which shall be written or engrossed during the term aforesaid, over and above the rates, duties and sums of money now due and payable in respect thereof, the further several and respective rates, duties, charges and sums of money following; that is to say,

II. For every piece of vellum or parchment, or piece of paper, upon which any original writ (except such original on which a writ of *Capias* issues) *Subpoena*, bill of *Middlesex*, *Lattit*, writ of *Capias*, *Quominus*, writ of *De dimis Potestatem*, to take answers, examine witnesses, or appoint guardians, or any other writ whatsoever, or any other process or mandate that shall issue out of, or pass the seals of any the courts at *Westminster*, courts of great sessions in *Wales*, courts in counties palatine, or in any other court whatsoever, holding plea where the debt or damage doth amount to forty shillings or above, or the thing in demand is of that value, shall be ingrossed or written (writs of covenant for levying fines, writs of entry for suffering common recoveries, and writs of *Habeas Corpus* always excepted) the sum of six pence.

III. For every piece of vellum, parchment or paper, upon which any entry of any action in the mayor's and sheriffs courts of *London*, and in courts in all corporations, and other courts whatsoever, out of which no writs, process or mandates issue, holding plea where the debt or damage doth amount to forty shillings or above, shall be ingrossed or written, the sum of six pence; and for every piece of vellum, parchment or paper, upon which shall be ingrossed or written any citation or monition made in any ecclesiastical court, the sum of six pence.

Additional
stamp-duties
for 16 years.
Continued by
9 Geo. 2. c. 32.
Made perpetual
23 Geo. 2. c. 25.

Original writs,
&c.

Entry of ac-
tions in
mayor's court,
&c.

IV. And

To be under the management of the commissioners of stamps.

IV. And be it further enacted by the authority aforesaid, That for the better and more effectual levying, collecting and paying the said duties hereby granted, the same shall be under the direction, government, care and management of the commissioners for the time being, appointed to manage the duties payable to his Majesty, his heirs and successors, and charged on stamp vellom, parchment and paper, by former acts of parliament in that behalf made, who, or the major part of them, are hereby required and impowered to employ the necessary officers under them for that purpose, and to use such dies and stamps to denote the stamp-duties hereby charged as they shall see proper, and to repair the same, from time to time, as there shall be need or occasion, and to do all other acts, matters and things, necessary to be by them done for the putting this act in execution with relation to the said duties hereby granted.

Salaries, &c. to be paid out of the duties.

V. And it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or the major part of them for the time being, out of the duties arising by this act, to cause such sum and sums of money to be expended and paid, from time to time, for salaries and other incident charges, as shall be necessary in and for the recovering, receiving, collecting, levying, distributing and managing of the same duties by this act granted, during the continuance of the said term; any thing herein contained to the contrary notwithstanding.

Allowance where the duties amount to 10 l.

VI. And it is hereby further enacted by the authority aforesaid, That from and after the said second day of *August* which shall be in the year of our Lord one thousand seven hundred and twenty six, every person who shall at one time bring to be stamped, or buy of the said commissioners paper or parchment, the said duties whereof shall amount to ten pounds or upwards, shall be allowed after the rate of six pounds in the hundred pounds *per annum* for six months, upon the present payment of the said duties at the head office in *London* or *Westminster*, and not otherwise, nor any other allowance: and the said commissioners are hereby impowered to trust and give credit to the several distributors of stamp vellom, parchment and paper, with these duties, in the same manner, and upon the like condition and terms, as they intrust such distributors with the other duties under their care.

No rates where persons sue in forma pauperis.

VII. Provided always, and it is hereby further enacted, That none of the rates, impositions or sums of money before in this act expressed, shall be raised, levied, collected and paid, or payable by virtue of this act, by any person or persons that shall be admitted to sue or defend *in forma pauperis*.

Paper, &c. stamped with former stamps to be brought to the office to

VIII. And it is hereby further enacted, That all vellom, parchment and paper, charged by this act with any of the stamp-duties hereby granted, which hath been or shall (before the said second day of *August*) be stamped or marked, in pursuance of the former acts of parliament relating to his Majesty's stamp-duties, or any of them, shall before any of the matters or things

(in

(in respect whereof any duty is hereby made payable) be written or ingrossed thereupon (such writing or ingrossing being at any time after the said second day of *August*, and within the term of the continuance of this act) be brought to the head office for stamping or marking of vellum, parchment and paper, to be stamped or marked with another mark or stamp, over and besides the marks or stamps put or to be put thereupon in pursuance of the said former acts, or any of them; and that all vellum, parchment and paper, which hath not been or shall not before the said second day of *August* be stamped or marked in pursuance of the said former acts, or any of them, shall (before any the matters or things, in respect whereof any stamp-duty is payable hereby, and by the said former acts, or any of them, shall be thereupon written or ingrossed, such writing or ingrossing being after the said second day of *August*, and within the said term and the continuance of this act) be brought to the said head office, and there marked and stamped with the proper marks or stamps, provided, used or appointed, or to be provided or appointed in pursuance of this act, and of the said former acts of parliament, to denote the respective duties hereby and thereby respectively charged thereupon; and if any of the said matters and things so to be ingrossed and written as aforesaid, shall during the term last mentioned be ingrossed or written, contrary to the true intent and meaning hereof, upon vellum, parchment or paper, not appearing to have been duly marked or stamped according to this act, that then and in every such case there shall be due, answered and paid (over and above the stamp-duties payable hereby, and by the said former acts, or any of them) for every such matter and thing respectively the sum of five pounds, and that no such matter or thing shall be available in law or equity, or be given in evidence, or admitted in any court, unless as well the said duty hereby charged in respect thereof, as the said sum of five pounds, shall be first paid to the receiver general for the time being of the stamp-duties, or his deputy or clerk, and until the vellum, parchment and paper, upon which such matter or thing is so written or ingrossed, shall be marked or stamped, according to the tenor and true meaning hereof: and the said receiver general, and his deputy or clerk, are hereby enjoined and required, upon payment or tender of the said duties, and of the said sum of five pounds, and such other sums as by the said former acts are payable in that behalf, to give a receipt for such monies; and the other proper officers are thereupon required to mark or stamp such matters or things with the proper marks and stamps required in that behalf, which said sum of five pounds is to be applied to the same uses and purposes as the duties hereby granted are to be applied.

IX. And be it further enacted by the authority aforesaid, That every commissioner and officer who shall act in and about the managing or collecting the stamp-duties hereby granted, shall

be stamped
with another
mark.

§1. penalty for
writing with-
out the
stamps, &c.

Commissioners
and officers to
be sworn.

shall

shall before he shall act in or about the same, take the oath following, that is to say,

Their oath.

I A. B. do swear, That I will faithfully execute the trust reposed in me, pursuant to the act of parliament made in the twelfth year of the reign of his majesty King George, intituled, An act for relief of the suitors of the high court of chancery, whereby certain additional duties are charged or made payable, in respect of the several matters and things engrossed or written, as therein is mentioned, without fraud or concealment; and shall from time to time true account make of my doings therein, and deliver the same to such person or persons, as by the said act are impowered to receive such account; and shall take no fee, reward or profit whatsoever, for the execution or performance of the said trust, or the business relating thereto, from any person or persons whatsoever, other than such as by the said act is allowed of.

Which oath shall or may be administered by any two or more of the commissioners last mentioned, or any one or more justices of the peace.

The money to be paid to the bank.

X. And be it further enacted by the authority aforesaid, That all and every the officer and officers who shall be concerned in the levying, collecting or receiving the duties arising by this act, shall and do keep separate and distinct accounts thereof, and pay the same to the cashier of the bank of *England* for the time being, who is hereby required and impowered to receive the same, and whose receipt or receipts shall be, from time to time, to the said receiver general, his deputy or deputies, a sufficient discharge, which payments are to be made weekly on *Wednesday* in every week, unless it be an holiday, and then the next day after, which shall not be an holiday.

A book to be kept on account of the suitors.

XI. And be it further enacted by the authority aforesaid, That there shall be provided and kept, in the bank of *England*, a book or books, wherein all the monies to be paid in weekly as aforesaid, shall be entred, and the same shall be entred apart and distinct from all other monies paid or payable upon account of the suitors of the said court of chancery; and when the said monies shall be paid to the cashier of the bank as aforesaid, the same shall be, and be considered as part of the general and common cash of the said court of chancery, and as such shall be issued and applied in and for the payment of the respective demands of the suitors of the said court, in such manner as the said court shall direct.

The penalties, &c. of act 9 W. 3. to be in force.

XII. And it is hereby further enacted, That all receivers general, comptrollers, collectors and other officers, who are or shall be concerned in the managing, raising, levying, receiving, collecting or paying the duties arising by this act, or in keeping the accounts thereof, or accounting in respect of the same, shall perform their several and respective duties therein, as to them respectively shall appertain, under such and the like penalties, forfeitures and disabilities, for any offence or neglect therein, or for detaining or misapplying any part of the said monies, as are prescribed and to be inflicted by virtue of an act
of

of parliament made and passed in the ninth year of the reign of his late majesty King *William* the Third, intituled, *An act for raising a sum not exceeding two millions upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East-Indies, for the like offence or neglect, in relation to the duties upon salt, and other duties upon stamp vellom, parchment and paper thereby granted, or for detaining, diverting or misapplying any part of the monies which were granted by the act last mentioned.* W. 3. c. 44.

XIII. And be it further enacted by the authority aforesaid, All the powers That all powers, provisions, articles, clauses, pains of death in the stamp and other penalties and forfeitures, distribution of penalties acts to be in and forfeitures, and all other matters and things prescribed, appointed or contained in or by an act of parliament made in the said ninth year of the reign of his said late majesty King *William* the Third, intituled, *An act for granting to his Majesty, his heirs and successors, further duties upon stamp vellom, parchment and paper, or in any other act of parliament relating to the like duties, which are now in force, and not hereby altered or otherwise provided for, shall in the same manner and form as they now stand in force, with relation to the said duties or any of them, be of full force and effect, with relation to the said stamp-duties hereby charged, during all the said term of sixteen years, and shall be applied, practised, made and executed for the securing, raising, levying, collecting, executing, answering and paying the said stamp-duties hereby charged, according to the true intent and meaning of this act, as fully to all intents and purposes, as if the same powers, provisions, articles, clauses and things, and every of them, had severally and respectively been particularly enacted in this act, with relation to the stamp-duties hereby charged, and as if the stamp-duties hereby charged had been charged by the said last mentioned act of the ninth year of his said late Majesty's reign or in any other such act or acts as aforesaid.* W. 3. c. 25.

XIV. And be it enacted by the authority aforesaid, That the receiver or receivers general, comptroller or other person or persons, who are or shall be respectively employed in the directing, receiving, collecting or paying the duties by this act granted, shall and are hereby required, between the second day of *August* and the twenty fifth day of *December* in every year, during the continuance of this act, to exhibit their respective yearly accounts thereof to his Majesty's auditors of the imprest for the time being, or one of them, who shall and are hereby from time to time respectively authorized to examine upon oath the said receiver or receivers general, comptroller or other person or persons, accountant or accountants, which shall be employed in raising, receiving or collecting the said duties hereby granted, of and concerning what sum or sums of money was or were by them or any of them respectively raised, collected or received within the time of such their accounts, and likewise what part thereof was by them or any of them paid to the cashier

Receivers, &c. to exhibit their yearly accounts to the auditor of the imprests.

of the bank of *England* aforesaid, and in making the said accounts to and before the said auditors or one of them they are to produce proper vouchers for every sum or sums of money so by them or any of them received or paid, and the said auditor shall have and receive of the person accounting, the sum of twenty shillings, and no more, for every thousand pounds the said accounts shall amount unto; the which accounts so audited shall be signed by the said auditor, and the same shall be at all times to the said receiver general, his deputy or deputies, comptroller and all other officers therein concerned, a full and sufficient warrant and discharge to all intents and purposes.

Chancery may borrow money on this fund.

XV. And be it further enacted by the authority aforesaid, That in case the said court of chancery shall judge it necessary, for the payment of the demands of the suitors of the said court, to borrow money upon the duties or fund hereby granted, that then it shall and may be lawful for the said court to borrow any sum of money thereupon, not exceeding in the whole the sum of sixty thousand pounds, at such times, and in such proportions, and to make or grant such order or security on the said fund for repayment of the money so borrowed, with interest, not exceeding five pounds *per centum per annum*, at such times and in such manner as the said court shall think fit to direct; which money so borrowed shall be paid into the said bank of *England*, and be made part of the general and common cash of the said court, for the benefit of the said suitors, and shall be issued and issuable, from and by the said bank, for the like benefit of the said suitors, as the said court of chancery shall likewise direct.

A book to be kept in the bank, of the monies borrowed.

XVI. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the bank of *England*, one or more book or books, in which an account of the monies that shall be borrowed upon the credit of this act shall be fairly and orderly entred and registred, containing and expressing the several sums so borrowed, and the times when they were respectively advanced, together with the names of the persons, bodies politick or corporate, lending or advancing the same; and that all and every person or persons, bodies politick or corporate, who shall lend any money upon the credit of this act, and pay the same into the bank of *England*, shall, upon producing a receipt of the same under the hand of any cashier or cashiers of the bank, have an order of the court of chancery for repayment of his, her, or their principal money, with interest for the same, to be accounted from the time of the advancing such principal sum, and to be payable by half-yearly payments, until the repayment of his, her, or their principal money; and that such orders for repayment shall be registred in a book to be kept for that purpose with such person or persons, as the court of chancery shall direct, in due course of time, according to the date of the said orders respectively; and that all and every person and persons, bodies politick or corporate, shall be paid in course, according as their orders shall stand

Monies to be paid in course.

stand registred in the said book or books, so as that the person, bodies politick or corporate, his, her, or their executors, administrators, successors or assigns, who shall have his, her, or their order or orders first entred in the said book, shall be taken and accounted as the first to be paid out of the monies to arise or come by virtue of this act; and he, she, or they, who shall have his, her, or their order or orders next entred, shall be taken and accounted to be the second to be paid, and so successively and in course; and that the monies to arise or come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators, successors, or assigns successively, without any undue preference one before another, and not to be divertible or diverted to any other use, intent or purpose whatsoever; and that no fee, reward or gratuity, directly or indirectly be demanded or taken of any person or persons whatsoever, for providing or making any such books, registers or entries, or for any view or search of the same, or for the payment of any money lent upon the credit of this act, or the interest thereof as aforesaid, by any officer or officers, their clerks or deputies, on penalty of payment of treble damages to the party grieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also: and if any undue preference shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable, by action of debt or on the case, to pay the value of the debt, damages and costs to the party grieved, and shall be forejudged from his place or office: and if such preference be unduly made by any his deputy or clerk, without the direction or privity of his master, then such deputy or clerk only shall be liable to such like action, debt, damages and costs as aforesaid, and shall be for ever after incapable of his place or office; all which said penalties, forfeitures, damages and costs, to be forfeited and incurred by any of the last mentioned officers or any of their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction or order of restraint shall be in any ways granted or allowed.

XVII. Provided always, and it is hereby enacted, That if it happen that several orders for payment as aforesaid, bear date or be brought the same day to the officer to be registred, it shall be interpreted no undue preference which of those he enters first, so as he enters them all the same day.

XVIII. Provided also, that it shall not be interpreted to incur any penalty, in point of payment, to pay subsequent orders of the persons that come and demand their money, and bring their order before other persons that did not come and demand their money, and bring their order in their course, so as there may be so much money reserved, as will satisfy precedent

orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Assignable and transferable.

XIX. And be it further enacted by the authority aforesaid, That every person or persons, bodies politick or corporate, to whom any money shall be due by virtue of this act, after order entred for payment thereof as aforesaid, his, her or their executors, administrators, successors or assigns, by indorsement of his, her or their order or orders respectively, may assign and transfer his, her or their right, title, interest and benefit of such order, or any part thereof to any other, which being notified in the office hereby appointed for entering the said orders, and an entry or memorial thereof also made in the book of entry of such orders (which the officer shall upon request, without fee or charge, accordingly make) shall entitle such assignee or assignees, his, her or their respective executors, administrators, successors or assigns, to the benefit thereof and payment thereon, and such assignee or assignees may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, bodies politick or corporate, who have or hath made such assignments, to make void, release or discharge the same, or any of the monies thereby due, or any part thereof.

The cash in the bank to be one common cash.

XX. *And to the end that no suitor or suitors of the said court of chancery may be delayed in payment of any money due to him, her or them, but that every one may receive his or her full demand, whensoever he or she shall apply for the same, in the most easy and expeditious way;* be it therefore enacted by the authority aforesaid, That all the money and cash now deposited in the bank, or that shall at any time hereafter be paid into or deposited in the bank, on the account of the suitors of the said court of chancery, or any of them, or by order of the said court, and all the monies arising by the rates and duties given by this act, or borrowed thereon, and paid into the bank, shall be and be accounted and taken to be one common and general cash, and shall be promiscuously issued and issuable when and as the court of chancery shall direct, for the answering, paying and clearing the debts and demands of any of the suitors of the said court.

Chancery to determine the claims on the deficient matters.

XXI. *And whereas it appears by the reports of the several masters directed by the right honourable the lord chancellor, pursuant to his Majesty's directions, to inquire into examine and state the claims and demands of the suitors of the said court upon the said offices, wherein the deficiency happened, that there are several claims both of principal and interest upon the offices of the said Fleetwood Dormer and John Borrett, deceased, and of the said Richard Godfrey and Edward Conway, not determined by the said masters, but submitted to the determination of the court,* be it enacted by the authority aforesaid, That the high court of chancery shall with all convenient speed in the most compendious and summary way determine such claims, and cause to be done therein what is equitable and just.

XXII. And

XXII. *And to the end that the accounts of the said Richard Godfrey, Edward Conway and William Kinaston, three of the present masters of the said court, who now appear to be deficient, may be closed, and that they may be the more effectually obliged to pay in their respective deficiencies; be it further enacted by the authority aforesaid, That the said Richard Godfrey, Edward Conway and William Kinaston, shall, on or before the first day of Hillary term in the year of our Lord one thousand seven hundred and twenty six, make up their account in such manner, and before such person or persons as the court of chancery shall direct, of all the monies and effects of the suitors of the said court of chancery, come to their respective hands or under their respective care and direction, and reduce the same to a balance; and the balance of cash then in their respective hands shall, on or before the last day of the same term, be by them respectively paid into the bank of England, for the benefit of the suitors; and the balance of the other effects of the suitors shall, on or before the said last day of the said term, be by them respectively assigned, transferred, disposed or applied for the benefit of the suitors, as the court of chancery shall direct (for which direction such master shall apply to the said court, within a convenient time before the said last day of the same term) and if any of the said three masters shall neglect or refuse to make up such account, or pay in, or dispose of such balance in such manner as aforesaid, that then he or they so neglecting or refusing to comply with any of the said particulars, shall forfeit and lose his or their place of master in chancery, and such place or places shall be void, as if he or they were naturally dead: and the high court of chancery shall also in such case state and ascertain, or cause to be stated and ascertained the respective balance due from such masters respectively, to the suitors of the said court, as well the balance of cash remaining in such masters hands, as also the balance of the other effects of the suitors, not answered by such master, and value or cause to be valued the said balance of the said other effects, and reduce both those balances into one total sum; and whatever balance or total sum shall be found due from, or unanswered by such master, shall be a charge and debt on such master respectively, to the King's majesty, his heirs and successors, for the benefit of the suitors of the said court: and for the better and more effectual recovery of the same, for the benefit of the suitors, the register of the said court of chancery, or his deputy or deputies, shall, by the direction of the said court, certify such balance or total sum to the barons of his Majesty's court of exchequer, upon parchment, without any stamp thereon, to be filed or deposited in the court of exchequer, amongst the records of the said court, as the said barons shall direct; and the sum total or balance contained in such certificate, shall from thenceforth be deemed and taken to be a debt from such master to the King's majesty, his heirs and successors, of the same nature, kind, quality, force and effect, as writings obligatory, taken and acknowledged according to the*

Godfrey, &c.
to account be
fore Hillary
term 1726.

on default for-
feit their offi-
ces, &c.

statute-staple at *Westminster*; and there shall be the like process and execution thereon, as by the statute made in the three and thirtieth year of the reign of King *Henry* the eighth is provided for the recovery of debts due by obligation to the King; and all and every sum or sums of money that shall be recovered thereon, shall be paid into the bank of *England*, without fee or reward, and be made part of the said general and common cash, and as such shall be from thence issued for the use and benefit of the suitors of the said court of chancery.

After the deficiency of the suitors paid, overplus reserved for publick use.

XXIII. Provided also, and it is hereby declared and enacted, That when and so soon as the deficiency of the suitors money intended to be answered and paid out of the fund established by this act, and also all monies lent on the credit of this act, shall have been fully paid and satisfied, then and from thenceforth all the surplus monies which shall have been raised out of the said duties upon stamp vellum, parchment and paper, hereby given and granted, over and beyond what shall be sufficient for answering such deficiency and monies lent, shall be reserved for the benefit of the publick, and shall not be applied to any other use or uses than such as shall be hereafter directed by parliament; any thing herein contained to the contrary notwithstanding.

Masters not bringing into the bank the balance of their accounts, &c.

XXIV. And in order to a full discovery of the estates and effects of the said three deficient masters of the said court of chancery, be it further enacted by the authority aforesaid, That such of the said three masters, who on the said last day of *Hilary* term one thousand seven hundred and twenty six, shall be deficient in bringing into or before the bank of *England*, the balance of what is due from him or them to the suitors of the said court, shall, before the first day of *Easter* term one thousand seven hundred and twenty seven, be examined upon oath, upon such interrogatories touching all and singular his and their lands, tenements, goods, chattels, debts, and personal estate whatsoever, and such other things as may tend to disclose his and their estate, or any secret grants, conveyances or disposition of his and their lands, tenements, goods, chattels, debts and personal estate, as the court of chancery shall think meet; and in case any of the said three masters who shall be deficient at the time aforesaid, shall refuse or neglect to attend and be examined upon oath, in order for such discovery, or shall be guilty of any wilful concealment, omission or falsity in any examination had, in pursuance of this act, then or in any of such cases, every of them the said masters so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon without benefit of clergy, and shall forfeit to the King, his heirs and successors, for the benefit of the suitors of the said court of chancery, all and singular his lands, tenements, hereditaments, goods and chattels whatsoever.

guilty of felony, &c.

Persons detaining any of

XXV. And be it further enacted by the authority aforesaid, That in case any person or persons, being known supposed or suspected

suspected to have or detain any part of the lands, tenements or their lands, hereditaments, goods, chattels or personal estate of any of the &c. and refusing to appear on summons, to be committed to the Fleet.

said deficient masters, or to be able to give any information or evidence concerning the same, or to be indebted to or for the benefit of any of them, shall, after lawful summons to appear before one or more of the masters of the said court of chancery, to be examined concerning any the real or personal estate or effects of the said deficient masters, or any of them, or any matter or thing concerning the same, neglect or refuse to come before such master or masters at the time appointed in such summons, having no lawful impediment, such as shall be allowed by the said master or masters, and which shall be then signified and made known to the said master or masters, or shall refuse to be sworn or to make answer to such interrogatories as shall be administered to him or them, according to the true intent and meaning of this act; which said summons and examination upon oath, upon interrogatories to be administered to every such person or persons, all and every the masters of the court of chancery are and is hereby authorized and required to issue, take and administer, then and in the said respective cases it shall be lawful for the court of chancery to issue their warrant or warrants to apprehend any person so neglecting or refusing to appear as aforesaid, and to commit to the prison of the Fleet all and every such person and persons as shall so refuse to be sworn, or make answer to such interrogatories as shall be administered as aforesaid, there to remain, without bail or mainprize, until such time as the said person so refusing to be sworn or examined shall submit him or herself to be examined, according to the true intent and meaning of this act.

XXVI. And for the more effectual discovery of the estates and effects of such deficient masters of the said court as aforesaid, and every of them, be it further enacted by the authority aforesaid, That all and every person and persons, who shall have accepted of any trust or trusts, or shall conceal or protect any estate, real or personal, of or for any of such deficient masters as aforesaid, and shall not before the twenty fourth day of June one thousand seven hundred and twenty seven truly discover and disclose such trust and estate in writing to the lord high chancellor, lord keeper or lords commissioners for the custody of the great seal for the time being, shall forfeit treble the value of the estate, real or personal, so concealed; one moiety thereof to his Majesty, his heirs and successors, for the benefit of the suitors of the said court of chancery, and the other moiety to him or them who shall sue for the same; to be recovered by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, wherein no essoin, protection or wager of law shall be allowed, nor any more than one imparlance; in which cases costs shall be allowed to the plaintiff as in other cases, and shall suffer imprisonment for the space of one whole year without bail or mainprize.

XXVII. And be it further enacted by the authority aforesaid,

Præmium for
discovering
any of the de-
ficient masters
estates.

said, That every person who shall before the twenty ninth day of *September* in the year of our Lord one thousand seven hundred and twenty seven voluntarily come before one of the masters of the said court of chancery for the time being, and make a true discovery in writing upon oath of any part of the estate, real or personal, of any of such deficient masters as aforesaid, which shall have been concealed, and not inserted and discovered in and by his examination, shall be allowed after the rate of twenty pounds *per centum*, according to the value of such estate or effects so discovered, being in any part beyond the seas; and after the rate of ten pounds *per centum*, according to the value of such estate or effects so discovered, remaining within this kingdom; to be paid and allowed to such person or persons out of the said estate and effects, or otherwise to be recovered by action of debt to be brought upon this act against the person whose estate and effects shall be so discovered.

All lands of
the deficient
masters to be
paid into the
bank.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That all and every the lands, tenements, hereditaments, goods, chattels, debts, sums of money and personal estate whatsoever of any of such deficient masters as aforesaid, which shall be forfeited and recovered by virtue of this act, shall be paid into the bank of *England* without fee or reward, and be made part of the general and common cash belonging to the suitors of the said court of chancery, and as such shall be from thence issued and issuable for the use and benefit of the said suitors.

clause in fa-
vour of Mar-
garet Conway.

XXIX. *And whereas it appears by the report of Robert Holford, esquire, one of the masters of the high court of chancery dated the sixth day of March one thousand seven hundred and twenty five, That Edward Conway, esquire, is deficient in his accounts of the money and effects of the suitors in the sum of twenty thousand five hundred fifty three pounds four shillings and three pence halfpenny; and whereas the said Edward Conway was seized of an estate of five hundred pounds per annum, and upwards, as appears by the said report, out of which Margaret wife of the said Edward Conway, was entitled to her dower; but in order to make good the said deficiency, the said Margaret joined in a fine and recovery for the sale of the said estate, which will raise near fourteen thousand pounds, and thereby has deprived herself of any subsistence, in case of disability or death of the said Edward Conway; to the end therefore that the said Margaret Conway, in consideration of her giving up her dower, may have a reasonable competency to subsist herself and family, be it enacted by the authority aforesaid, That the sum of two thousand pounds, out of the money arising by the sale of the said estate, shall be allowed and paid to Philip Gilbert and Henry Gilbert of London, gentlemen, in trust and for the sole and separate use of the said Margaret Conway, notwithstanding her coverture, and their receipt for the same shall be a sufficient discharge for the payment thereof, by such person as is or shall be appointed by the high court of chancery to sell and dispose of the*
said

estate; any thing herein contained to the contrary thereof in any wise notwithstanding.

C A P. XXXIV.

An act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.

WHEREAS great numbers of weavers and others concerned in the woollen manufactures in several towns and parishes in this kingdom, have lately formed themselves into unlawful clubs and societies, and have presumed, contrary to law, to enter into combinations, and to make by-laws or orders, by which they pretend to regulate the trade and the prices of their goods, and to advance their wages unreasonably, and many other things to the like purpose: and whereas the said persons so unlawfully assembling and associating themselves have committed great violences and outrages upon many of his Majesty's good subjects, and by force protected themselves and their wicked accomplices against law and justice; and it is absolutely necessary that more effectual provision should be made against such unlawful combinations, and for preventing such violences and outrages for the future, and for bringing all offenders in the premisses to more speedy and exemplary justice; may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all contracts, covenants or agreements, and all by-laws, ordinances, rules or orders, in such unlawful clubs and societies, heretofore made or entred into, or hereafter to be made or entred into, by or between any persons brought up in or professing, using or exercising the art and mystery of a woolcomber or weaver, or journeyman woolcomber or journeyman weaver, in any parish or place within this kingdom, for regulating the said trade or mystery, or for regulating or settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, shall be and are hereby declared to be illegal, null and void to all intents and purposes; and further, that if any woolcomber or weaver, or journeyman woolcomber or journeyman weaver, or other person concerned in any of the woollen manufactures of this kingdom shall, at any time or times after the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty six, keep up, continue, act in, make, enter into, sign, seal or be knowingly concerned in any contract, covenant or agreement, by-law, ordinance, rule or order of any club, society or combination by this act declared to be illegal, null and void, or shall presume or attempt to put any such illegal agreement, by-law, ordinance, rule or order in execution, every person so offending being thereof lawfully convicted upon the oath or oaths of one or more credible witness or witnesses, before any two or more justices

All combinations of woolcombers and weavers illegal.

Woolcombers, &c. convicted of keeping up such combinations, may be committed for 3 months.

justices of the peace for the county, city, town or place where such offence shall be committed, upon any information exhibited or prosecution within three calendar months after the offence committed (which oaths the said justices are hereby empowered and required to administer) shall, by order of such justices; at their discretion be committed either to the house of correction, there to remain and be kept to hard labour for any time not exceeding three months, or to the common gaol of the county, city, town or place where such offence shall be committed, as they shall see cause, there to remain, without bail or mainprize, for any time not exceeding three months.

Quitting service before the time for which hired, to be committed.

II. And be it further enacted by the authority aforesaid, That if any person actually retained or employed as a woolcomber or or weaver, or servant in the art or mystery of a woolcomber or weaver shall, at any time or times after the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty six, depart from his service before the end of the time or term for which he is or shall be hired or retained, or shall quit or return his work before the same be finished according to agreement, unless it be for some reasonable or sufficient cause, to be allowed by two or more justices of the peace within their respective jurisdictions, then in every such case every person so offending, being thereof lawfully convicted before two or more justices of the peace as aforesaid, shall be committed to the house of correction, there to be kept to hard labour for any time not exceeding three months; and if any woolcomber, weaver, servant or person hired, retained or employed in the art or mystery of a woolcomber or weaver shall wilfully damnify, spoil or destroy (without the consent of the owner) any of the goods, wares or works committed to his care or charge, or wherewith he shall be intrusted, every such offender, being thereof lawfully convicted as aforesaid, shall forfeit and pay to the owner or owners of such goods or wares so damnified, spoiled or destroyed, double the value thereof, to be levied by distress and sale of the offender's goods and chattels, by warrant or warrants under the hands and seals of any two or more justices of the peace within their respective jurisdictions, and for want of sufficient distress, such justices shall commit the party or parties offending to the house of correction, there to remain and be kept to hard labour for any time not exceeding three months, or until satisfaction be made to the party or parties aggrieved for the same.

spoiling the work, to pay double the value, &c.

Clothiers, &c. to pay wages in money. Farther provisions relating to such wages, 13 Geo. I. c. 23. sect. 5, 6, 9, 17.

III. And be it enacted by the authority aforesaid; That every clothier; sergemaker or woollen or worstead stuffmaker, or person concerned in making any woollen cloths, serges or stuffs, or any wife concerned in employing woolcombers, weavers or other labourers in the woollen manufactory, shall, and they are hereby obliged and required to pay unto all persons by them employed in the woollen manufactory, the full wages or other price agreed on in good and lawful money of this kingdom; and shall not pay the said wages or other price agreed on, or any part thereof,

thereof, in goods or by way of truck, or in any other manner than in money as aforesaid, or make any deduction from such wages or price for or on account of any goods sold or delivered previous to such agreement by any person or persons whatsoever; and for more easy recovering the said wages or price agreed on, it shall be lawful for any two or more justices of the peace within their respective jurisdictions, and they are hereby authorized and required, upon complaint made for that purpose, to summon before them the party or parties offending, and for non-payment of such wages or price agreed on in money as aforesaid, or sufficient satisfaction given for the same to the good liking of the party or parties aggrieved, to issue their warrant or warrants under their hands and seals for levying such wages or price agreed on, due as aforesaid, by distress and sale of the offender's goods and chattels, rendering the overplus to the owner, and for want of sufficient distress to commit the party or parties offending to the common gaol of the county, city, town or place where such offence shall be committed, there to remain without bail or mainprize for the space of six months, or until he, she or they shall pay such wages or price agreed on in money as aforesaid, or give full satisfaction for the same to the good liking of the party grieved.

Justices on complaint to issue warrants for levying wages, &c.

IV. And be it further enacted by the authority aforesaid, That if any clothier, sergemaker, woollen or worsted stuff-maker, or person concerned in making any woollen cloths, serges or stuffs, or any ways concerned in employing woolcombers, weavers or other labourers in the woollen manufactory as aforesaid, shall pay any person or persons employed by them their wages or other price agreed on, or any part thereof, either in goods or by way of truck, or in any other manner than in money as aforesaid, contrary to the true intent and meaning of this act, every person so offending shall also forfeit and pay the sum of ten pounds; one moiety thereof to the informer, and the other moiety to the party or parties aggrieved, to be levied by distress and sale of the offender's goods as aforesaid, rendering the overplus (if any be) to the owner.

Clothiers paying wages in goods, &c. forfeit 10l.

V. Provided always, That it shall and may be lawful for any person aggrieved by any order or orders to be made by any two or more justices of the peace as aforesaid, to appeal to the justices of the peace assembled at the next general quarter-sessions to be holden for the county, city, division, parish or place where such order shall be made, giving reasonable notice of such appeal, the reasonableness of which notice shall be determined by the justices of the peace at the quarter-sessions to which the appeal is made, and if it shall appear to them, that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter-sessions, and then and there finally hear and determine the same; and the justices who in the general quarter-sessions shall hear the matter, shall have power to award reasonable costs to either party, as to them shall seem just.

Appeal to the quarter-sessions.

VI. And be it enacted by the authority aforesaid, That if any

Assaulting or threatening

masters, &c.
felony.

any person or persons shall, after the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty six, assault or abuse any master woolcomber or master weaver, or other person concerned in any of the woollen manufactures of this kingdom, whereby any such master or other person shall receive any bodily hurt, for not complying with, or not conforming, or not submitting to any such illegal by-laws, ordinances, rules or orders aforesaid; or if any person or persons shall write or cause to be written, or knowingly send or cause to be sent, any letter, or other writing or message, threatening any hurt or harm to any such master woolcomber or master weaver, or other person concerned in the woollen manufacture, or threatening to burn, pull down or destroy any of their houses or out-houses, or to cut down or destroy any of their trees, or to maim or kill any of their cattle, for not complying with any demands, claims or pretences of any of his or their workmen, or others employed by them in the said manufacture, or for not conforming or not submitting to any such illegal by-laws, ordinances, rules or orders as aforesaid; every person so knowingly and wilfully offending in the premises, being thereof lawfully convicted upon any indictment, to be found within twelve calendar months next after any such offence committed, shall be adjudged guilty of felony, and shall be transported for seven years to some or one of his Majesty's colonies or plantations in *America*, by such ways, means and methods, and in such manner and under such pains and penalties, as felons in other cases are by law to be transported.

Breaking into
a shop to cut
any serges, &c.
felony.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall, by day or by night, break into any house or shop, or enter by force into any house or shop, with intent to cut or destroy any serge or other woollen goods in the loom, or any tools employed in the making thereof, or shall wilfully and maliciously cut or destroy any such serges or woollen goods in the loom or on the rack, or shall burn, cut or destroy any rack on which any such serges or other woollen goods are hanged in order to dry, or shall wilfully and maliciously break or destroy any tools used in the making any such serges or other woollen goods, not having the consent of the owner so to do, every such offender, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in case of felony, without benefit of clergy.

This act to extend to comb-ers and frame-work knitters.

VIII. *And whereas the mysteries of combing jersey or wool, and of frame-work knitting and making of stockings, are considerable branches of the woollen manufacture of this kingdom:* be it enacted by the authority aforesaid, That this act, and all the clauses, provisoes, pains, penalties and forfeitures therein contained, shall extend, and be construed and adjudged to extend, to combers of jersey and wool, to frame-work knitters and weavers or makers of stockings, and to all persons whatsoever employed or concerned in any of the said manufactures, in as full and ample manner as any other part of the woollen manufacture is provided for by

by this act; and the pains, penalties and forfeitures which shall be incurred by virtue hereof, shall be inflicted, levied and taken in the same manner, as the pains, penalties and forfeitures before-mentioned in this act are directed, ordered and appointed.

C A P. XXXV.

An act to prevent abuses in making of bricks and tiles, and to ascertain the dimensions thereof, and to prevent all unlawful combinations amongst any brickmakers or tilemakers within fifteen miles of the city of London in order to advance or enhance the price of bricks or tiles.

WHEREAS by an act of parliament made in the seventeenth ¹⁷ Edw. 4. c. 4. year of the reign of his late majesty King Edward the Fourth, intituled, The preparation of earth for making of tile, divers good provisions and directions were made for the good and sufficient making of plain-tiles, roof-tiles and gutter-tiles: and whereas her late majesty Queen Elizabeth, by her letters patent or charter under the great seal of England, bearing date the third day of August which was in the tenth year of her reign, did for herself and her successors grant unto the persons therein named, and all other freemen of the mystery or art of tilers and bricklayers of London, and the suburbs thereof, to be one body corporate, by the name of the master and keepers or wardens of the society of freemen of the mystery and art of tilers and bricklayers, and by that name to have perpetual succession, and amongst other matters and things in the said charter mentioned, gave to the said company the search, correction and government of persons using the said mystery or art, and of all other things and matters whatsoever to the said mystery or art any ways belonging or appertaining, as well within the city of London and liberties and suburbs thereof, as within any place or places within fifteen miles of the said city: and whereas several orders and ordinances have been made by the said master and wardens of the said society, for searching, viewing and making good bricks and tiles, which have been confirmed, pursuant to an act made in the nineteenth year of his late majesty King Henry the Seventh, intituled, For making statutes by ¹⁹ Hen. 7. c. 7. bodies incorporate, and whereas, notwithstanding the before-mentioned act of parliament, orders and ordinances, several persons, especially within the compass of fifteen miles of the city of London, dig the clay or earth for making of bricks at unseasonable times in the year, and continue to make bricks of bad stuff and unsizeable dimensions, and do not well burn the same; and in making thereof mix great quantities of soil called Spanish, and in burning thereof use small ashes and cynders commonly called breeze, instead of coals, and burn the bricks commonly called grey-stock bricks in clamps, and the bricks commonly called place-bricks in the same clamps, on the outside of the said grey-stock bricks, by means whereof great part of the bricks now usually made are so hollow and unsound, that they will scarce bear their own weight: and whereas there is at present no provision made by any law for the dimensions of bricks to be made and used in buildings, or
for

for the lengths, breadths or thickneses of pan-tiles, which are but a late invention in England, may it please your most excellent Majesty, that for the common good and benefit of your Majesty's subjects, and the duration of buildings, and the better ascertaining the times of digging the earth, and the manner of making and burning bricks and pantiles hereafter to be made for sale, and the lengths, breadths and thickneses of such bricks and pantiles, that it may be enacted, &c. EXP.

Brick earth or
breeze may be
made use of
3 Geo. 2. c. 22.

Searchers are to
be appointed by
the justices, &c.
2 Geo. 2. c. 15.

All earth for making bricks for sale, shall be dug and turned between the first of November and the first of February, and no part shall be made into bricks till after the first of March, and no bricks shall be made for sale but between the first of March and the twenty ninth of September, and no Spanish shall be mixed with brick earth, nor any breeze used in the burning; and all bricks shall be burnt in kilns, or in distinct clamps, the place-bricks by themselves and the stock-bricks by themselves; and place bricks shall be not less than nine inches long and an half thick, and four inches and a quarter wide; and stock bricks shall be of the same dimensions as to the lengths and breadths, and one eighth of an inch thicker; and pantiles shall be not less than thirteen inches and an half long, and nine inches and an half wide, and half an inch thick. Master and wardens of the tilers and bricklayers company may search. Master and wardens may summon the makers before them, and fine offenders. Justices may nominate persons to search in other places. Who are to make their presentments twice in the year. Master and wardens, &c. to search twice in the year the making of all tiles, &c. and the justices in all other places. Contracts for ingrossing bricks or tiles, &c. illegal. Determined and EXP. 2 Geo. 2. c. 15.

CAP. XXXVI.

An act for building a bridge cross the river of Thames from the town of Fulham in the county of Middlesex, to the town of Putney in the county of Surrey.

Commissioners appointed to lay out the bridge, and the ways thereto, &c. Burning or destroying the bridge, felony. His Majesty may incorporate the commissioners. A pontage to be paid for every coach, &c. drawn by six horses, 2s. drawn by four horses, 1s. 6d. drawn by less than four horses, 1s. For every waggon, &c. drawn by four horses, 1s. 6d. and by less than four horses, 1s. For every horse, &c. not drawing, 2d. For every foot passenger on Sundays 1d. and on every other day one halfpenny. For oxen or neat cattle 12d. per score. For calves, hogs, sheep or lambs 6d. per score. The pontage vested in the trustees. Money borrowed, or raised by the duties, to be applied to the bridge. Accounts, &c. to be delivered into parliament once a year. Money may be borrowed at 5l. per cent. or annuities sold for lives or 21 years, payable out of the tolls. If annuities exceed 1500l. per annum, corporation to forfeit double the value of the sum advanced exceeding that sum. If the bridge be damaged, corporation may erect a ferry, to continue till the bridge be repaired. Satisfaction to be paid before the bridge shall be erected. If no application for damages before 24 June 1727, commissioners may proceed. Bishops of London to have free passage over the bridge, &c. On death or refusal to act, commissioners to elect new ones. No commissioner to have any place of profit arising by the tolls. Not to prejudice the jurisdiction of the mayor, &c. of London.

C A P. XXXVII.

An act for repairing the roads in the parishes of Kensington, Chelsea and Fulham, and other parishes therein mentioned, in the county of Middlesex.

WHEREAS the several roads leading from Counters bridge in the parish of Kensington, to the stones end near Piccadilly, and from Fulham ferry to Knightsbridge, and from Chelsea ferry to the stones end at James-street, Westminster, and from the town of Kensington to Chelsea church, from North-End, joining to the Hammersmith road, to Wandown Green, and from Hyde-Park corner, down to the lower road from Chelsea to Westminster, are become so ruinous, &c.

The toll granted by this act, took place the 1st of June 1726, and from thence to continue for the term of 21 years. *Continued and enlarged 6 Geo. 2. c. 15. and 14. Geo. 2. c. 16.*

C A P. XXXVIII.

An act for making the river Dun in the west-riding of the county of York navigable, from Holmfild in Doncaster, up to the utmost extent of Tinsley, westward, a township within two miles of Sheffield.

The company of cutlers in Hallamshire impowered to make the river Dun navigable: making satisfaction for damages. Commissioners appointed, to determine differences between the undertakers and others. Undertakers to meddle with no land, &c. till payment or tender. Commissioners may fine persons summoned on juries, or to give evidence. None to sit as a commissioner, unless seised in an estate of real property per annum. Jurymen not to be interested. Damages by default of the undertakers, to be settled by a jury. Not to erect a new dam, &c. near Holmfild, or above Doncaster, &c. To make but one cut between Aldwark and Thribergh mill-dams. Not to take the water out of Dun, by a cut nearer to Kilnhurst Forge, than out of Thribergh dam, &c. Weirs for forges let out of repair, undertakers may erect others, &c. Undertakers to make a good road at Tinsley. Undertakers to take 1d. for every ton of goods carried through Tinsley upon the river, above the lock-duties. Inhabitants still to perform their days works. Rates and duties of tonnage shall be such as the company of Cutlers shall think fit, not exceeding 2s. 6d. for every fodder of lead or lead ore, or 3s. for every customary ton of iron, steel, horns, boots, bones, box wood; or 3s. 6d. for every ton of deals, boards or timber of foreign growth, cheese, salt, corn, cutlery wares, iron wares, groceries or other merchandizes; or 6d. for every ton of lime or lime-stone brought up the river to Rotherham or above Aldwark wash; or 9d. for every ton of lime or lime-stone brought up to Tinsley; or 3d. for every ton of lime or lime-stone carried up or down the river to Doncaster wash, or any other place between Aldwark wash and Doncaster; or for every ton of coals, stone, iron, fough, mettle, wood and timber which shall be carried from the head of the navigation, or any part of the lordship of Tinsley down to Holmfild or Doncaster, or from Doncaster or Holmfild up to Tinsley (except wood and timber of English growth, for which only 1s. 6d. per ton is to be paid, and from Rotherham to Holmfild no more than 1s. per ton) not exceeding 2s. 6d. and from Rotherham not exceeding 2s. or on any part between Rotherham and Kilnhurst works, and from thence to Denaby, Mexburgh and Cuningbrough, not exceeding 1s. 6d. or on any part between Cuningbrough and Holmfild not exceeding 1s. Managers of boats to give just accounts of their goods. On death or refusal to act, commissioners to elect new ones. Undertakers may set up winches or other engines to tow up vessels: to maintain gates, &c. in the towing paths,

paths, and bridges over the new cuts. All meetings of the commissioners to be within six miles of the matter in question. Masters of boats answerable for their boatmen. Owner's name to be set on the outside of every vessel. Owners of Thribergh forge, &c. may appoint one to prevent leaving open the locks, to be paid by the undertakers. A free navigation from Holmfite to Tinsley westward, paying the duties. Owners of lands may use pleasure-boats on the river. River Dun not under the survey of the commissioners of sewers. Locks to be opened on demand for free passage. Undertakers may borrow money on the duties. Lords of manors, or owners of ground, may build warehouses, &c. on their own lands. Not to make any cut out of Doncaster corn-mill dam, between that and Holmfite.

C A P. XXXIX.

An act for making provision for the rector of Saint Mary le Strand in the county of Middlesex, and for other purposes therein mentioned.

£500. allotted for the maintenance of the rector of Saint Mary le Strand. Treasurer to lay out that sum as the commissioners shall appoint. 125l. yearly to be raised on the inhabitants. Vestry to make the assessment, &c. To be confirmed by two justices. To be paid to the rector quarterly. Justices to settle complaints. Unoccupied houses to be paid for by the next tenants. Churchwardens to make two transcripts of the assessments, &c. Yearly pound-rate, and the produce of 1500l. to be the annual maintenance of the rector. Rectory not to be held in Commendam. House built for the rector out of the parish, to be deemed part of the parish. Parish-clerk of St. Mary le Strand, a member of the company of parish-clerks.

Anno Regni GEORGII I. Regis Magnæ Britanniae, Franciæ & Hiberniæ, decimo tertio.

AT the parliament begun and holden at Westminster, the ninth day of October, Anno Domini one thousand seven hundred and twenty two, in the ninth year of the reign of our sovereign lord GEORGE, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the seventeenth day of January one thousand seven hundred and twenty six; being the fifth session of this present parliament.

C A P. I.

An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and twenty seven. E X P. 4s. in the Pound.

C A P. II.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. E X P.

C A P. III.

An act for redeeming sundry annuities transferrable at the bank of England, and the annuities payable on standing orders for army-debentures, by the produce of the sinking fund, for applying to the same fund the money remaining in the exchequer on the head of the bankers debt, and making provision for future claims on the same debt, and for applying the lottery-tickets, Anno one thousand seven hundred and twenty six, which were returned into the exchequer, to the discharging the standing orders made out for the sufferers at Nevis and St. Christophers, as far as the same will extend.

MOST gracious Sovereign, Whereas by or in pursuance of an act of parliament made in the third year of your Majesty's reign, intituled, An act for redeeming the duties and revenues, ^{3 Geo. 1. c. 7.} which were settled to pay off principal and interest on the orders made forth on the four lottery acts passed in the ninth and tenth years of her late Majesty's reign, and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf, and for establishing a general yearly fund, not only for the future payment of annuities at several rates to be payable and transferrable at the bank of England, and redeemable by parliament, but also to raise monies for such proprietors of the said orders, as shall chuse to be paid their principal and arrears of interest in ready money, and for making good such other deficiencies and payments as in this act are mentioned, and for taking off the duties on linseed imported, and British linen exported, several annuities or yearly sums after the rate of four pounds per centum per annum, amounting to the sum of one hundred and two thousand thirty six pounds thirteen shillings and two pence per annum, or thereabouts, were made payable by the cashier of the bank of England for the time being, for several principal sums, amounting together to two millions five hundred and fifty thousand nine hundred and sixteen pounds eight shillings and eight pence halfpenny, for monies contributed by tallies of Sol, and contained in army-debentures, certified on or before the one and twentieth day of March one thousand seven hundred and nineteen, and were by virtue or in pursuance of the same act made payable out of a certain yearly fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence one fifth part of a penny per annum, commonly called the general fund, established by the same act; and by or in pursuance of another act of the fifth year of your Majesty's reign, intituled, An act for the relief of ^{5 Geo. 1. c. 24.} Edward Clent, esq; executor of lieutenant colonel Thomas Clent, ^{a private act.} for an army-debenture lost in the pay-office, one or more annuity or annuities amounting to twenty three pounds eight shillings and three pence farthing per annum, or thereabouts, after the rate of four pounds per centum per annum, became payable by the said cashier of the bank of England for the time being, out of the said general fund of

5 Geo. 1. c. 3.

6 Geo. 1. c. 4.

seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny per annum, for the principal sum of five hundred eighty five pounds seven shillings and one penny, stated to be due on a lost debenture, mentioned in the same act; all which before-mentioned annuities were made payable until the redemption thereof by parliament, upon such notice or notices as by the several acts of parliament relating to the said several annuities, are for that purpose required: and by or in pursuance of another act of parliament made in the fifth year of your Majesty's reign, intituled, An act for applying overplus monies, and further sums to be raised as well by way of a lottery as by loans, towards paying off and cancelling exchequer-bills, and for lessening the present great charge in relation to those bills, and for circulating and exchanging for ready money the residue of the same bills for the future, several annuities amounting in the whole to the yearly sum of twenty thousand pounds after the rate of four pounds per centum per annum, for the principal sums amounting to five hundred thousand pounds contributed to a lottery founded on that act, are payable by the cashier of the bank of England, out of a yearly fund of twenty thousand pounds thereby charged (amongst other things) upon the duties and revenues thereby denominated the aggregate fund, subject nevertheless to a proviso of redemption upon such notice and payments, as by the act last mentioned are prescribed; and whereas by a subsequent act of parliament of the sixth year of your Majesty's reign, for enabling the South-Sea company to increase their capital stock and fund, it was provided amongst other things, that the said several annuities before-mentioned might be taken into the capital stock and fund of the South-Sea company, and in pursuance thereof great parts of the said several annuities were accordingly subscribed into the said capital stock and fund of the said South-Sea company; and whereas there still remains of the said several annuities unsubscribed into the capital stock of the said company the several annuities following, that is to say, the yearly sum of seven thousand nine hundred fifty eight pounds six shillings and eight pence three farthings, being after the rate of four pounds per centum per annum, for or in respect of the unsubscribed principal sum of one hundred ninety eight thousand nine hundred fifty eight pounds eight shillings and three pence, for the before-mentioned tallies of Sol, the yearly sum of fifteen thousand seven hundred twenty seven pounds fifteen shillings and nine pence farthing, being after the rate of four pounds per centum per annum, for or in respect of the unsubscribed principal sum of three hundred ninety three thousand one hundred ninety four pounds fourteen shillings and five pence halfpenny, for the before-mentioned army-debentures; and the yearly sum of two thousand three hundred and thirty two pounds, being after the like rate of four pounds per centum per annum, for or in respect of the principal sum of fifty eight thousand three hundred pounds, remaining unsubscribed of the said lottery fund of the fifth year of your Majesty's reign; all which unsubscribed principal sums amount together to the sum of six hundred and fifty thousand four hundred and fifty three pounds two shillings and eight pence halfpenny; and the several annuities attending thereon amount together

ther to the yearly sum of twenty six thousand and eighteen pounds two shillings and six pence, and are payable by the cashier of the bank of England: and whereas by or in pursuance of sundry subsequent acts of parliament, for taking and stating the accounts and debts of the army, several standing orders have been or may be made out for payment at your Majesty's exchequer, of sundry annuities, amounting together to the yearly sum of twenty one thousand nine hundred and fifty seven pounds eleven shillings and eight pence farthing, being after the rate of four pounds per centum per annum, for or in respect of several principal sums, amounting together to five hundred forty eight thousand nine hundred thirty nine pounds twelve shillings and six pence farthing, contained in army-debentures, for debts certified since the twenty first day of March one thousand seven hundred and nineteen; which last mentioned annuities are also charged on the said general fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny per annum, and are made payable until the redemption thereof by parliament, upon such notice or notices, as in or by the several acts of parliament relating thereto are for that purpose required; and whereas all the before-mentioned unsubscribed principal sums transferrable at the bank of England, and the several principal sums contained in the said exchequer-orders, amount together to the principal sum of one million one hundred and ninety nine thousand three hundred and ninety two pounds fifteen shillings and two pence three farthings, and the several annuities attending thereon amount together to the yearly sum of forty seven thousand nine hundred seventy five pounds fourteen shillings and two pence farthing; and whereas your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being determined that the said several before-mentioned annuities should be redeemed in order to lessen the publick debts and incumbrances, and the necessary charges relating thereto, as fast as may be consistent with justice and honour, did on the seventh day of March one thousand seven hundred and twenty six, order their speaker to signify in writing their several resolutions to redeem the said several annuities; therefore we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That such orders and significations as aforesaid, shall be and be deemed, adjudged and taken to be good and sufficient notice or notices within the true intent and meaning of the several acts of parliament for the redemption of the said several annuities, and the same shall be redeemable accordingly; any thing in the same, or any other act or acts of parliament to the contrary in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That by or out of such monies as are or shall be in the receipt of exchequer, of the surplusses, excesses or overplus monies commonly called the sinking fund, arisen or to arise at or from

Notice by the speaker on 7 March 1726, sufficient for redeeming these annuities, &c.

From Lady-day 1727, £1,199,392l. 25s. 2d. 3q. to be issued for the

the paying off
these an-
nuities

the feast of the annunciation of the blessed Virgin *Mary* in the year of our Lord one thousand seven hundred and twenty seven (after payment of, or reserving sufficient to pay such monies as have been before directed by the authority of parliament to be paid out of the said surplusses, excesses or overplus monies) there shall be issued, paid and applied at the said feast-day, and afterwards, from time to time, as the same shall arise, at the end of every six months, on which the accounts thereof are directed by parliament to be made up, or oftner if the same can be conveniently done, any sum or sums of money not exceeding in the whole the sum of one million one hundred ninety nine thousand three hundred ninety two pounds fifteen shillings and two pence three farthings, for or towards the paying off or discharging the said several principal sums so as aforesaid amounting together to the like sum of one million one hundred ninety nine thousand three hundred ninety two pounds fifteen shillings and two pence three farthings, in such manner, order and degree as is herein after mentioned, that is to say, the sum of one hundred ninety eight thousand nine hundred fifty eight pounds eight shillings and three pence, part thereof, for the redeeming and paying off the like principal sum remaining unsubscribed into the capital stock of the *South-Sea* company, of the joint stock attended with annuities as aforesaid, for the before-mentioned tallies of *Sol*, the sum of three hundred ninety three thousand one hundred ninety four pounds fourteen shillings and five pence halfpenny, other part thereof, for the redeeming and paying off the like principal sum remaining unsubscribed into the capital stock of the *South-Sea* company, of the joint stock attended with annuities as aforesaid, for the before-mentioned army-debentures, certified before the one and twentieth day of *March* one thousand seven hundred and nineteen, the sum of fifty eight thousand three hundred pounds, other part thereof, for the redeeming and paying off the like principal sum, remaining unsubscribed into the capital stock of the *South-Sea* company, of the joint stock attended with annuities as aforesaid, for the said lottery, in the fifth year of his Majesty's reign; and the sum of five hundred forty eight thousand nine hundred thirty nine pounds twelve shillings and six pence farthing, residue thereof, for the redeeming and paying off the several principal sums contained in the standing orders made or to be made out at the exchequer, for army debentures, certified since the twenty first day of *March* one thousand seven hundred and nineteen.

Principal
trasferrable at
the bank, to
be paid to the
cashier in en-
tire sums.

III. And be it further enacted by the authority aforesaid, That such of the said principal sums as are transferrable at the bank of *England*, shall be paid in intire payments, to the cashier of the said bank, for the use of the several proprietors thereof, by way of impress, and upon account, to be by him paid over as soon after as conveniently may be, to the several persons intituled to receive the same; and that such of the said principal sums as are contained in the said standing orders, made or to be made

made out at the exchequer, shall be paid off in such numerical order, course and progression as the said several orders do or shall stand upon the register thereof, kept at the exchequer, beginning with No 1. and so on progressively, until all of them shall be paid off and discharged, without any undue preference of any one of them before the other of them, in the like manner in all respects as is directed in an act of this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and twenty seven*, for paying off and discharging the several orders of loan directed or authorized to be made forth by virtue or in pursuance of the same act.

Standing orders at the exchequer to be paid in course.

13 Geo 1. c. 1.

IV. Provided always, and be it enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the lord high treasurer for the time being, shall judge it more convenient to redeem or pay off all or any of the before-mentioned joint stocks of annuities transferrable at the bank of *England*, preferably to the discharging and cancelling all or any part of the exchequer-bills now standing out and charged on the said sinking fund, then it shall and may be lawful for them, or any three of them, from time to time, by and with the consent of the contractors for circulating and exchanging the same exchequer-bills, and not otherwise, to postpone or defer the paying off, cancelling or discharging the same exchequer-bills, or any of them, until after the redemption and payment of all or any of the said joint stocks of annuities, but no further; any thing herein before contained to the contrary notwithstanding.

Treasury may postpone discharging exchequer-bills, till after redemption of the annuities.

V. And be further enacted by the authority aforesaid, That all such annuities as shall grow or become due or payable, for or in respect of the several before-mentioned annuities, until the redemption thereof by payment of the said principal monies, in manner as aforesaid, and all arrears thereof (if any such shall be) shall be paid, together with the said respective principal sums, out of the respective funds, on which the same are at present charged or chargeable; and that when and as any of the said several principal sums shall from time to time be paid off, or money sufficient for that purpose shall be reserved in the exchequer, or in the hands of the said cashier, payable on demand, the annuity attending the same shall from thenceforth be, and is hereby declared to be redeemed, and shall no longer be paid or payable, but shall cease and determine for the benefit of the sinking fund.

All annuities due till redemption to be paid.

VI. Provided always, and be it enacted by the authority aforesaid, That all the monies which shall arise of or for the said surplusses, excesses and overplus monies (over and beyond what will satisfy and pay the several monies before-mentioned, and such other charges, as have been heretofore made thereon by authority of parliament) shall be appropriated, reserved and applied, to and for the further discharging the principal and interest of such national debts and incumbrances, as were incurred before the twenty fifth day of *December* one thousand seven

Remainder of the Sinking Fund appropriated for discharging national debts incurred before 25 Dec. 1716.

hundred and sixteen, and are declared to be national debts, and were provided for by act or acts of parliament, in such manner and form as shall be directed by any future act or acts of parliament to be discharged therewith, or out of the same, and to and for none other use, intent or purpose whatsoever.

22 & 23 W. 3.
c. 12. s. 15.

VII. *And whereas in and by an act of parliament made and passed in the twelfth year of the reign of his late majesty King William the third (of glorious memory) it was (amongst other things) provided and enacted, that in lieu and discharge of certain perpetual annual payments, and of all arrears thereof, granted by his late majesty King Charles the Second, by letters patent out of the hereditary revenue of excise, in satisfaction of certain principal sums mentioned in the said letters patent, to be then due from his said late Majesty to the respective patentees therein named, the said hereditary revenue of excise should, from and after the twenty sixth day of December one thousand seven hundred and five, be and stand charged and chargeable for ever with the payment of annual sums, after the rate of three pounds per centum per annum, for the principal sums mentioned in the said letters patent, to be issued and paid out of the said revenue by quarterly payments out of the receipt of the Exchequer, by the officers of the same, unto the respective owners and proprietors of the said annual sums, and to their heirs and assigns for ever, without any fee or charge, the said annual payments after the rate of three pounds per centum per annum, to be subject nevertheless to be redeemed upon payment of a moiety of the principal sums mentioned in the said letters patent; and whereas the whole of all the sums mentioned in the said letters patent, and which are commonly called the bankers debt, did amount to one million three hundred and twenty eight thousand five hundred and twenty six pounds, and the moiety thereof, for which the said annual sums were redeemable, did amount to six hundred sixty four thousand two hundred and sixty three pounds, and the said moieties were by the said act of the third year of his Majesty's reign (for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery-acts) provided for to be subscribed into a joint stock of annuities at five pounds per centum per annum, redeemable by parliament, and transferrable at the bank of England; and whereas several of the said principal sums mentioned in the said letters patent, by length of time or other accidents, have been forgot or neglected to be claimed by the proprietors thereof, and probably no title to them, or several of them, can or will be made out; and whereas there now remains in the exchequer the sum of ten thousand seven hundred and twenty five pounds five shillings and three pence farthing, which has been reserved there for several years, to answer the annuities due on such unclaimed debts, from the said twenty sixth day of December one thousand seven hundred and five, to the twenty ninth day of September one thousand seven hundred and seventeen, which in the mean time, and until such titles can be made out, might be employed towards the discharging the national debts incurred before the twenty fifth day of December one thousand seven hundred and sixteen, whereby there would be an annual saving of the interest thereof: be it therefore enacted*

3 Geo. 1. c. 7.

enacted by the authority aforesaid, That the said sum of ten thousand seven hundred twenty five pounds five shillings and three pence farthing; now remaining in the exchequer, shall and may be issued and applied for, and as part of the fund commonly called the *Sinking Fund*, towards the redemption and payment of all or any of the joint stocks of annuities herein before directed to be discharged thereby; any thing in any former act or acts of parliament to the contrary notwithstanding.

10,725 l. 5 s. 3 d. 1 q. the residue of unclaimed debts, to be applied for paying off the annuities.

VIII. Provided always, and be it enacted by the authority aforesaid, That in case at any time or times hereafter, any person or persons shall make out a good title to any of the said unsatisfied principal sums, to the satisfaction of the commissioners of his Majesty's treasury now or for the time being, or the lord high treasurer for the time being, then or in any such case, and so often as the same shall happen, it shall and may be lawful to and for the said commissioners of the treasury, now or for the time being, or any three of them, or the lord high treasurer for the time being, to compute the principal and interest that would have been payable thereon, in case the same had been claimed in due time, and to order and direct the same to be paid and discharged out of any of the monies arisen or to arise at the exchequer, of or for the several surplusses, excesses or overplus monies commonly called the *Sinking Fund*, so as the sum or sums of money so to be ordered and directed, do not exceed in the whole the said sum of ten thousand seven hundred twenty five pounds, five shillings and three pence farthing, herein before directed to be issued and applied as part of the sinking fund; any thing in this or any former or other act or acts of parliament to the contrary notwithstanding.

Provision for future claims on that debt.

IX. *And whereas, in pursuance of an act of parliament passed in the twelfth year of his Majesty's reign, intituled, An act for granting to his Majesty the sum of one million, to be raised by way of a lottery, eleven thousand and ninety three lottery-tickets were returned into the exchequer, as and for the sum of one hundred and ten thousand nine hundred and thirty pounds, part of the supply granted for the service of the year one thousand seven hundred and twenty six; but afterwards upon the drawing of the said lottery, the said eleven thousand and ninety three tickets happened to be intituled in blanks, and benefits, computed altogether, only to the principal sum of one hundred and three thousand two hundred and seventy two pounds and ten shillings, as their share or interest in the joint stock of three pounds per centum annuities, created by the said act, by means whereof there was a deficiency or loss of cash in the exchequer, on that head of service, of seven thousand six hundred and fifty seven pounds ten shillings, which hath since been provided for, as part of the sum of one hundred and sixty thousand three hundred and six pounds seventeen shillings and five pence farthing, granted in this present session of parliament, for the deficiency of grants for the service of the year one thousand seven hundred and twenty six, be it therefore enacted by the authority aforesaid, That the teller of the exchequer, into whose office the said eleven thousand and ninety three tickets*

Lottery-tickets 1726. returned in the exchequer to be applied for discharging standing orders for the sufferers at Nevis and St. Christophers.

12 Geo. 1. C. 20.

were returned as aforesaid, shall be, and is hereby discharged of and from the said deficiency, or sum of seven thousand six hundred, and fifty seven pounds and ten shillings, which did happen or arise as a loss thereon, upon the drawing of the said lottery, and shall not be any further or longer charged therewith.

X. *And whereas the said lottery-tickets so intituled as aforesaid, being applicable to any part of the supplies granted in the last sessions of parliament, have been accordingly applied towards making good the deficiencies of the general fund for the years ending at Michaelmas one thousand seven hundred and twenty four, and Michaelmas one thousand seven hundred and twenty five, and the same now remains in the exchequer as cash, on the head of the sinking fund: and whereas, in pursuance of several acts of parliament, several standing orders at the exchequer are or may be made out for certain debentures, made out by authority of parliament, for the sufferers at Nevis and Saint Christophers, for payment of several principal sums of money, amounting together to the sum of one hundred and forty one thousand and ninety three pounds fifteen shillings and one penny farthing, attended with annuities, after the rate of three pounds per centum per annum, redeemable by parliament, and charged on the said general fund: and whereas all or many of the proprietors of the said standing orders are or may be desirous to exchange their said standing orders, for an equal share or interest in the said joint-stock of three pounds per centum annuities, transferrable at the bank of England, in case they were enabled so to do, by means whereof the said one hundred and three thousand two hundred and seventy two pounds and ten shillings, part of the same annuities, may be disposed of without any further loss or discount: be it therefore enacted by the authority aforesaid, That the commissioners of his Majesty's treasury or any three or more of them now being, or the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, shall or may cause all the said lottery-tickets, so as aforesaid remaining in the exchequer, to be entred for such certificates as the said lottery act has for that purpose directed, in the name or names of such one or more of the teller or tellers of his Majesty's exchequer, as they shall think fit; and that from and after such entry or making out such certificates, the share or interest which the said lottery tickets are intituled to in the said joint stock of three pounds per centum annuities, shall be vested and remain in such teller or tellers as cash in the exchequer, and upon trust in the first place, to pay, apply or dispose of the annuity due, or to grow due thereon, to and for part of the fund, commonly called the *Aggregate Fund*, when, and as the same shall become due and payable, and subject thereto, upon trust to assign and transfer the whole, or any part of the principal sum, to which the said lottery tickets are entitled, in the said joint stock of three pounds per centum annuities, to such person or persons, as being proprietors of the said last mentioned standing orders, shall voluntarily deliver up to be cancelled the like or equal principal sum or sums, in any of the said last mentioned*

The Lottery-tickets may be exchanged for shares in the joint-stock of 3 l. per cent. annuities.

mentioned debenture-orders, and subject thereto, upon trust to assign and transfer the residue of the said principal sum in the said joint-stock of three pounds *per centum* annuities, which shall not be assigned or transferred to the proprietors of the said debenture-orders, to such uses, and for such purposes, as shall be hereafter directed by the authority of parliament, of and concerning the same, and to and for none other use, intent or purpose whatsoever.

XI. And to the end and intent that the said last mentioned standing orders may be regularly discharged, according to the course of the exchequer, be it further enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them, now or for the time being, or the lord high treasurer for the time being, shall and are hereby impowered to direct the auditor of his Majesty's exchequer, at any time before the twenty fourth day of *June* which shall be in the year of our Lord one thousand seven hundred and twenty seven, to receive and take in from any of the proprietors of the same orders any number of the said orders, containing therein any principal sum or sums of money, not exceeding in the whole the principal sum of one hundred and three thousand two hundred and seventy two pounds ten shillings; and the said auditor shall thereupon receive in all such orders, as shall be brought to him for that purpose, until the said sum of one hundred and three thousand two hundred and seventy two pounds ten shillings, shall be compleated, and shall enter in a book or books, to be kept by him for that purpose, a particular account of the orders so brought to him, and of the proprietors of the same, in the order and course of time in which they shall be so brought, without giving any undue preference to any one of them before the other of them, so as the proprietor or proprietors of such orders, or some other person or persons duly authorized by them for that purpose, do, by proper words in writing, to be written in such book or books respectively, signify their desire and request, that such standing order or orders be paid off, and discharged out of the said joint stock of three pounds *per centum* annuities as aforesaid; and the said auditor shall thereupon direct the said teller or tellers to pay the same principal sums mentioned in such orders, out of the said share or interest in the said joint stock of three pounds *per centum* annuities, so vested in him or them as aforesaid; and the clerk of the pells shall afterward record such directions, and afterwards such teller or tellers shall transfer or cause to be transferred in due manner and form so much of the said joint stock of three pounds *per centum* annuities, as shall be contained in such directions, to the respective person or persons entitled to the same, upon his, her or their signing or giving, upon such order or orders respectively, proper discharges or acquittances for the same; and thereupon such orders so paid off and discharged, shall be cancelled and preserved in the exchequer, in the same manner, as other cancelled orders are preserved there.

XII. And be it further enacted by the authority aforesaid,
That

The method
of discharging
these standing
orders.

The time en-
larged by
1 Geo. 2. stat.
2. c. 8. l. 25.

Interest on these orders due at 25 Dec. 1726. to be paid out of the general fund.

That all the interest or annuity on the said orders to be discharged and cancelled as aforesaid, which hath become due at or before the twenty fifth day of *December* one thousand seven hundred and twenty six, shall be paid and discharged out of the monies arisen or to arise at the exchequer, for the several duties and revenues composing the fund commonly called the *General Fund*; and the several persons to whom any part or parts of the said joint stock of three pounds *per centum* annuities shall be transferred, in discharge of the same standing orders, shall be entitled to the annuity which shall grow due thereon, from or after the said twenty fifth day of *December* one thousand seven hundred and twenty six: provided always, that nothing herein contained shall in any wise alter or prejudice such of the said last mentioned standing orders, as shall not be desired to be discharged in manner aforesaid, or the security for the same; or the method or course of payment of the annuity or interest due or to grow due thereon, but they and every of them shall remain, continue and be in the same condition to all intents and purposes, as if this act had not been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

CAP. IV.

An act for cleansing, deepening and widening a creek, called *Beverly beck*, running into the river *Hull*, and for repairing the staiths near the said beck, and for amending the roads leading from the said river to the town of *Beverly* in the east-riding of the county of *York*, and for cleansing the streets of the said town.

Corporation of *Beverly* to cleanse, &c. *Beverly beck*. Duties to be paid for vessels passing up or down the beck or *Hull river* within the precincts of *Beverly*, viz. For every chaldron of coals *Winchester* measure 4 d. For every quarter of oats, barley or malt, 2 q. For every quarter of wheat, rye, mellefine or any other grain, 3 q. For every ton of salt, 4 d. For three hogheads of sugar, tobacco, molofet or hogheads packed with other goods 4 d. For three puncheons of liquor 4 d. For four hogheads of wine, spirits or other liquor 4 d. For eight barrels of sope, raisins, oil, pitch, tar or packed with other dry goods 4 d. For every butt of currans or two half-butts 4 d. For two pipes of *Smyrna* raisins 4 d. For sixteen bags of nails 4 d. For every ton of iron or lead 4 d. For thirty two firkins of butter 4 d. For twenty hundred of cheese 5 d. For every ton of timber or stone 4 d. For every thousand of bricks 4 d. and of tiles 6 d. For twenty single deal boards 1 d. and double boards 2 d. For two bags of hops 4 d. For every quarter of oatmeal 1 d. For every pair of millstones 2 s. For sixty bunches of laths 6 d. For every hundred of faggots 1 d. For every hundred of pails, barrel or hoghead staves 1 d. For every hundred of handspikes 1 d. For twenty poles 1 d. For every dozen of cinders or charcoal 1 d. For every hide 1 q. For twenty sheepskins 2 q. For every thousand of turfs 2 q. For every quarter of bark 2 q. For every pack of wool or other goods 1 d. For twelve dozen of bottles 2 d. For every case or chest of glais 2 d. For every thousand of firkin staves 4 d. For every dozen of coarse earthen ware 1 q. For every dozen of shovels 2 q. For four bushels of roots or fruit 2 q. For every dozen of calve skins 1 d. For every hundred of thatch 4 d. For every chaldron of lime or ton of sand 2 d. For every bundle of hoops 2 q. For every dozen of chairs 1 d. For every small rundlet of liquor not exceeding ten gallons 1 q. For every small cask, box, truss or parcel, not exceeding one hundred weight 1 q. Corporation to appoint collectors. Corporation to audit the

cal-

lectors accounts. Master, &c. to deliver in writing an account of goods & &c. to collectors, and pay what due for the lading. Corporation to fix cranes, &c. Offices to be erected on the Old waite. Corporation may assign over the duty for money to be borrowed. Not to take away any of the old duties payable to the corporation. Corporation may turn the waters some other way, during the cleansing the beck, making satisfaction to the owners. Penalty for throwing rubbish into the beck 20 s. Corporation may remove shelves, and deepen the river. Quarter-sessions may appoint persons to clean the streets. 6 d. per pound to be laid on the inhabitants, &c.

CAP. V.

An act for importing salt from Europe into the province of Pensilvania in America.

WHEREAS the river Delawar, bay and coast of the province of Pensilvania in America, and the seas adjoining are very commodiously situated for carrying on the fishing trade, and they abound with great quantities of shad, sturgeon, bass and several other kinds of fish, which may be catched and cured, and made fit for foreign markets, whereby the trade of Great Britain and the inhabitants of the said province would reap considerable benefit, which would enable the said inhabitants to purchase more of the British manufactures for their use, than at present they are able, by reason of the little trade and produce the said province affords, were it permitted for his Majesty's subjects to import salt from Europe into the said province for the curing of their fish withal, in the like manner as is practised in New England and Newfoundland, by virtue of an act of parliament made in the fifteenth year of the reign of King Charles the Second, for that purpose: and whereas formerly the northern parts of America were comprehended under the general name of New England, but since have been divided into several provinces and colonies, and bear other distinct names, which occasions a doubt whether salt can be imported into them, without the further aid of parliament, by which a very considerable and beneficial fishery might be carried on there, to the great benefit of your Majesty's subjects in general, may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and twenty seven, it shall and may be lawful to and for any of his Majesty's subjects to carry and import salt from any part of Europe, into the province of Pensilvania in America, in British ships and vessels, manned and navigated according to the act of parliament made in the twelfth year of the reign of King Charles the Second, intituled, *An act for the encouraging and increasing of shipping and navigation*; any law, statute, usage or custom to the contrary in any wise notwithstanding.

15 Car. 2. c. 7.
f. 7.

After 24 June 1727. Salt may be imported from Europe to Pensilvania, in British ships.
12 Car. 2. c. 18.

C A P. VI.

An act for making more effectual an act passed in the third year of his Majesty's reign, intituled, An act for the preservation and improvement of the river Wear, and port and haven of Sunderland, in the county of Durham.

3 Geo. 1. c. 3.
a private act.

WHEREAS by an act passed in the third year of his present Majesty's reign, intituled, An act for preservation and improvement of the river *Wear*, and port and haven of *Sunderland*, in the county *Durham*, divers persons in the said act named were made, constituted and appointed commissioners for putting the said act into execution, for the purposes in the said act mentioned; and whereas the said commissioners in execution of the powers by the said act given to them have at a very great expence begun to erect a pier at the mouth of the said river, on the south side thereof, and hath carried the same two hundred and seventy seven yards or thereabouts, towards the sea; and it is found necessary for the effectual defending the mouth of the said river, from the sands and other impediments, which stop and hinder the entrance into the same, not only to carry on the pier already begun on the south side of the said river, much further towards the sea than it is yet carried, but also to erect another pier or piers, key or keys, wharf or wharfs, and other works for the better preservation and improvement of the said port and haven; and whereas for the carrying on the said undertaking so far as it hath been already carried on, the commissioners in the said act named have been obliged to borrow and take up at interest, from several persons, several considerable sums of money, amounting in the whole to the sum of three thousand five hundred pounds or thereabouts, and it will be necessary for them to borrow and take up at interest, further sums of money for the more effectual carrying on, compleating and finishing the said undertaking, which they are not by the said recited act impowered to do; may it therefore please your most excellent Majesty, That it may be enacted, &c.

Commissioners may assign over the duties, 3 Geo. 1. for monies borrowed or to be borrowed, for improvement of the river *Wear*. Commissioners may erect more piers, &c. for preservation of the Haven. Commissioners may contract with owners, &c. for lands, &c.

C A P.

CAP. VII.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty seven; and for appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer-bills, lottery-tickets, and orders, lost, burnt, or otherwise destroyed; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts.

MAY it please your most excellent Majesty, we your Majesty's Farther provisions in relation to matters in this act, 2 Geo. 2. c. 1. most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have freely and unanimously given and granted unto your Majesty the rates, duties and impositions herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That within and throughout that part of Great Britain called England, Wales and town of Berwick upon Tweed, the severall and respective rates, duties and impositions, for and upon all malt, mum, cyder and perry, which in and by one act of parliament made and passed in the twelfth year of the reign of her late Majesty queen Anne, of blessed memory, intituled, An act for granting to her Majesty duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and thirteen; and for making forth duplicates of lottery-tickets lost, burnt or destroyed; and for enlarging the time for adjusting claims in severall lottery-acts; and to punish the counterfeit-ing or forging of lottery orders; and for explaining a late act in relation to stamp-duties on customary estates, which pass by deed and copy, were granted to her Majesty, or chargeable in manner therein mentioned, until the twenty fourth day of *June* one thousand seven hundred and fourteen; and which by an act of parliament made and passed in the twelfth year of the reign of her said late Majesty, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and fifteen; and which by one act made and passed in the first year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and sixteen; and which by another act made and passed in the first year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and seventeen; and which by another act made and passed in the third year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand

12 Ann. stat.

1. c. 2.

1 Geo. 1. stat.

2. c. 1.

3 Geo. 1. c. 3.

4 Geo. 1. c. 1.

5 Geo. 1. c. 1.

6 Geo. 1. c. 1.

7 Geo. 1. stat.

1. c. 4.

8 Geo. 1. c. 1.

9 Geo. 1. c. 3.

10 Geo. 1. c. 2.

11 Geo. 1. c. 8.

12 Geo. 1. c. 4.

further continued to 24.

June 1722.

seven hundred and eighteen; and which by another act made and passed in the fourth year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and nineteen; and which by another act made and passed in the fifth year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty; and which by another act made and passed in the sixth year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty one; and which by another act made and passed in the seventh year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty two; and which by another act made and passed in the eighth year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty three; and which by another act made passed in the ninth year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty four; and which by another act made and passed in the tenth year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty five; and which by another act made and passed in the eleventh year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty six; and which by another act made and passed in the twelfth year of his Majesty's reign, were continued until the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty seven, shall be further continued in like manner, and shall be and are by this act charged for and upon all malt which shall be made, and all mum which shall be made and imported, and all cyder and perry which shall be made for sale within that part of *Great Britain* called *England, Wales,* and town of *Berwick upon Tweed*, from and after the twenty third day of *June* in the year of our Lord one thousand seven hundred and twenty seven, and before the twenty fourth day of *June* which shall be in year of our Lord one thousand seven hundred and twenty eight.

Enforced by Malt made in Scotland to pay 3d. per bushel. Mum 10s. per barrel.
2 Geo. 2. stat. 2. Cyder and perry made for sale, 4 s. per hoghead. If the duties in Scotland
c. 1. do not raise 20,000 l. neat, deficiency to be made good by a surcharge
 on the makers. Surplusage to be applied to the fishery, &c. EXP.

Appropriation of the money granted this session. XXVIII. Provided always, and be it enacted by the authority
13 Geo. 1. c. 1. of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of*

the year one thousand seven hundred and twenty seven, and so much money, if any such there be, of the tax thereby granted, as shall arise and remain after all the loans or exchequer-bills made or to be made on the same act, and all the interest, *Premium* or rate and charges thereon, and the charges thereby allowable for raising the said land-tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same, and all the monies coming into the exchequer either by loans or exchequer-bills, upon this act, and so much of the duties on malt, mum, cyder and perry, hereby granted or continued, as shall arise or remain, if any such be, after all the loans or exchequer-bills, hereby directed to be made on the same, and all the interest, *Premium* or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved to discharge the same, and the sum of fourteen thousand nine hundred thirty five pounds, ten shillings and two pence farthing, remaining in the receipt of his Majesty's exchequer on arrears of former land-taxes, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents and purposes herein expressed, subject nevertheless to such restrictions as are herein after prescribed (that is to say) it is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum not exceeding fifty four thousand one hundred ninety six pounds seven shillings and nine pence farthing, to make good the deficiency of the fund, commonly called the general fund, for raising seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence, and one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and twenty five.

The sum for
the general
fund,

XXIX. And it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million thirty nine thousand seventy one pounds seven shillings and eight pence, for or towards the naval services herein after more particularly expressed that is to say for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea-officers, and for and towards victual, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea-services in the office of ordnance performed and to be performed, and for or towards other services of the navy performed and to be performed, and for or towards the transporting of land forces performed and to be performed.

for naval ser-
vices,

XXX. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred thousand pounds, for or towards defraying the charge of the office of his Majesty's ordnance for land-services performed and to be performed, and towards the extraordinary stores sent to *Gibraltar* and *Port Mahon* upon account.

for ordnance
for land ser-
vice,

for the land-
forces, and
other services.

XXXI. And it is hereby likewise enacted, That out of all or any of the aids or supplies provided as aforesaid, there shall or may be issued and applied any sum or sums of money not exceeding in the whole the sum of one million three hundred forty one thousand seven hundred and thirty pounds seven shillings and eight pence halfpenny, for or towards maintaining his Majesty's land-forces and other services herein after more particularly expressed, that is to say, any sum not exceeding eight hundred eighty five thousand four hundred ninety four pounds nine shillings and four pence, for defraying the charge of twenty six thousand three hundred eighty three men, including commission officers and non-commission officers and invalids, for guards, garrisons, and six independant companies for the service of the *Highlands* and other his Majesty's land-forces in *Great Britain*, *Jersey* and *Guernsey*, and other services relating to the forces for the year one thousand seven hundred and twenty seven; and any sum or sums of money not exceeding one hundred fifty seven thousand six hundred thirty seven pounds sixteen shillings and five pence halfpenny, for maintaining his Majesty's garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons of *Annapolis Royal*, *Placentia* and *Gibraltar*, for the year one thousand seven hundred and twenty seven; and any sum or sums of money not exceeding four thousand eight hundred forty seven pounds two shillings and six pence, upon account for out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and twenty seven; and any sum or sums of money not exceeding thirteen thousand seven hundred fifty pounds nineteen shillings and five pence, for defraying several extraordinary expences and services relating to the forces, incurred and not provided for by parliament; and any sum or sums of money not exceeding sixty thousand pounds, upon account of half-pay to the reduced officers of his Majesty's land-forces and marines for the year one thousand seven hundred and twenty seven; subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and the sum of fifty thousand pounds to compleat the sum of one hundred and twenty five thousand pounds, due and payable to the landgrave of *Hesse Cassel*, for raising, maintaining and keeping a body of twelve thousand men for his Majesty's service, pursuant to the treaty between his Majesty and the said landgrave of *Hesse Cassel*, dated the twelfth day of *March* one thousand seven hundred and twenty-five-six; and any sum or sums of money, not exceeding one hundred and seventy thousand pounds, upon account for the subsidy to the landgrave of *Hesse Cassel*, and the pay of twelve thousand of his forces to be taken into his Majesty's service, and the pay of a lieutenant general to command the said twelve thousand men, and for forrage-money, waggon-money, and other necessary charges relating thereunto, pursuant to the said treaty; and any sum or sums of money, not exceeding one hundred sixty thousand three hundred and six pounds seventeen shillings

Of the 60,000l.
surplus how to
be applied,
1 Geo. 2. stat. 3.
c. 9. sect. 16.

shillings and five pence farthing, towards making good the deficiency of the grants for the service of the year one thousand seven hundred and twenty six.

XXXII. And be it enacted, That out of the said aids or supplies there shall and may be from time to time issued and applied, such sum or sums of money as shall be necessary for and towards answering and defraying such expences and engagements, as have at any time been, or shall before or until the twenty fifth day of *December* one thousand seven hundred and twenty seven, be made by his Majesty, in concerting such measures as he in his great wisdom thinks will best conduce to the security of the trade and navigation of this kingdom, and to the preserving and restoring the peace of *Europe*.

XXXIII. And be it enacted, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies before directed to be satisfied out of the said loans or exchequer-bills, by any particular clause or clauses for that purpose contained in this act or in any other act of this present session of parliament.

XXXIV. And as to the said sum of sixty thousand pounds by this act appropriated, on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed, shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, under the age of sixteen years, at the time when the regiment, troop or company in which he served was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same who hath resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same, as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXXV. And whereas by an act of parliament made in the twelfth year of his Majesty's reign, for granting an aid to his Majesty by laying a duty upon all victuallers, and retailers of beer and ale within the cities of London and Westminster, and the weekly bills of mortality, for the service of the year one thousand seven hundred and twenty six, and for other purposes therein expressed, several supplies which have been granted to his Majesty, as is therein mentioned,

And such sums of money as shall be necessary for defraying such expences as shall be made before 25 Dec. 1727. by his Majesty.

And to no other use.

Rules to be observed in the application of the half-pay.

How the overplus of 73,000l. appropriated for half-pay 1726, shall be applied. 12 Geo. 1. c. 12.

were appropriated to several uses and purposes therein expressed, among which any sum or sums of money, not exceeding seventy three thousand pounds, upon account of half-pay, for the year one thousand seven hundred and twenty six, was appropriated to be paid to the reduced officers of his Majesty's land-forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of seventy three thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers according to the said rules, by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed to such officers who are maimed, or lost their limbs in the late wars, or to such others, as by reason of their long service or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

Duplicates of exchequer-bills, lottery-tickets, or orders, lost or destroyed, to be made forth at the exchequer. Clause in case of clerks, or apprentices, whose indentures, &c. were not stamped in due time, &c. EXP.

CAP. VIII.

An act to enable the South-Sea company, with the licence and consent of the East-India company, to take in Negroes within their limits of trade, and to deliver the same at Buenos Ayres.

WHEREAS the island of Madagascar is within the limits of trade granted to the united company of merchants of England trading to the East-Indies, commonly called the East-India Company: and whereas the port of Buenos Ayres in America, is within the limits of trade granted to the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery, commonly called the South-Sea Company: and whereas the transportation of Negroes from the said island of Madagascar to Buenos Ayres, may become a very beneficial branch of the trade of this kingdom: and whereas by an act of parliament passed in the ninth and tenth years of the reign of his late majesty King William the Third, (amongst other things) for settling the trade to the East-Indies, it is provided that security shall be taken, that all the goods, wares, merchandizes and commodities, which should be laden in any ship or ships whatsoever, bound from the East-Indies, or parts within the limits of the said united company's trade, should be brought without breaking bulk to some port of England or Wales, and there be unladen and put on land: and whereas by another act made in the sixth year of the reign of her late majesty Queen Anne, for better securing the duties of

9 & 10 W. 3.
c. 44.

6 Ann. c. 3.

East-India goods, it is enacted (amongst other things) that all the goods, wares, merchandizes and commodities, which should be laden in the East-Indies, or other the parts within the limits of the said united company's trade, upon any ship or vessel belonging to any of her Majesty's subjects, should be brought to some port of Great Britain, and there should be unladen and put on shore, on pain of forfeiting all such goods, or the value thereof, to be recovered and distributed as therein is mentioned: and forasmuch as the taking in of Negroes within the limits of trade of the said united company, and delivering of the same at Buenos Ayres aforesaid, without bringing them to England or Wales, may be construed to be breaking of bulk within the meaning of the said acts of parliament, or one of them: be it therefore enacted, &c. *EXP.*

South Sea Company after 24 June 1727. with consent of the East-India Company, may take in Negroes at Madagascar for Buenos Ayres. The company indemnified for so doing. Ships belonging to the company, going to any other coasts within the East-India charter forfeited. All other goods purchased or traded for, liable to the forfeiture in 9 & 10 W. 3. Forfeitures how to be recovered, and distributed. Offences to be laid in London or Middlesex. East-India company to take security from South-Sea company. Continuation for six years, &c.

CAP. IX.

An act for repairing, widening and amending the roads from Wigan to Preston in the county of Lancaster.

The toll granted by this act took place and is to have continuance from the 1st of June 1727, for the term of 21 years. *Continued by 23 Geo. 2. c. 7.*

CAP. X.

An act for repairing, widening and amending the road from Warrington to Wigan in the county of Lancaster.

The toll granted by this act took place the 1st of June 1727, and from thence is to have continuance for the term of 21 years. *Continued by 20 Geo. 2. c. 8.*

CAP. XI.

An act for repairing the roads leading from Cirencester town's end to Saint John's Bridge in the county of Gloucester.

The toll granted by this act took place the 1st of June 1727, and from thence to have continuance for the term of 21 years. *Continued by 15 Geo. 2. c. 5.*

CAP. XII.

An act for amending the several roads leading from the city of Bristol.

WHEREAS the highways leading from the city of Bristol, through the parish of Bitton in the county of Gloucester, to Buckle Brook in the parish of Kelson in the county of Somerset, and the highways leading from Bristol aforesaid, through the parishes of Sciston and Week and Abston, to the top of Toghill in the parish of Doynton, and the highways leading from Bristol aforesaid,

Anno decimo tertio GEORGII I. C. 13—15: [1726.

through the parish of Mangotsfield to the top of Hinton Hill in the parish of Dirham, and the highways leading from Bristol aforesaid, through the parish of Acton, and the highways leading from Bristol aforesaid, through Stapleton and Hambroke in the parish of Winterburne to the upper end of Titherington, and from thence to Stone in the said county of Gloucester, and the highways leading from Bristol aforesaid, through the parishes of Horfield and Filton to a house called Almondsbury, alias Agmondsbury's Inn in the parish of Almondsbury alias Agmondsbury, and the highways leading from Bristol aforesaid through the parish of Westbury upon Trym to Aust Passage in the said county of Gloucester, and the highways leading from Bristol aforesaid through the parish of Busleton alias Brislington to Avon Bridge, alias Twiverton, alias Tiverton Bridge, and the highways leading from Bristol aforesaid, through the parish of Englishcomb to Midford, and the highways leading from Bristol aforesaid, through the town of Pensford to the top of Rush Hill in the parish of Stone Easton, and the highways leading from Bristol aforesaid, through the parishes of Bedminster and Dundrey to the North brow of Mendipp in the parish of West Harptrey, and the highways leading from Bristol aforesaid, through the said parish of Bedminster to the hitber part of a place called Broadways alias Broadfields Down, in the parish of Winford in the county of Somerset, are become so ruinous, &c.

The toll took place the 24th of June 1727. and is to have continuance for 21 years. *Continued by 22 Geo. 2. c. 28.*

CAP. XIII.

An act for repairing the road leading from Studley-Bridge through Chippenham in the county of Wilts to the top of Toghill in the county of Gloucester.

The toll took place the 1st day of May 1727, and is from thence to have continuance for 21 years. *Continued by 17 Geo. 2. c. 27.*

CAP. XIV.

An act for repairing the several roads leading from Birmingham through the town of Wednesbury to a place called High Bullen, and to Great Bridge, and from thence to the end of Gibbet-Lane next adjoining to the township of Bilson, and from Great Bridge through Dudley to Kingwinford, and to the further end of Brittel-Lane in the counties of Warwick, Stafford and Worcester.

The toll took place the 15th day of May 1727, and is from thence to have continuance for the term of 21 years. *Continued by 21 Geo. 2. c. 20.*

CAP. XV.

An act for repairing the roads leading from the town of Broomsgrove to the town of Dudley in the county of Worcester; and from the said town of Broomsgrove to the town of Birmingham in the county of Warwick.

The toll took place the 10th day of May 1727. and is from thence to have continuance for the term of 21 years. *Continued by 21 Geo. 2. c. 22.*

CAP.

C A P. XVI.

An act for repairing the several roads leading from the town of Warminster in the county of Wilts.

WHEREAS the several highways and roads leading from the town of Warminster in the county of Wilts, herein after particularly mentioned and described, viz. all that road leading from the house of Thomas Ludlow at the East end of the said town to Heytelbury in the said county, being three miles or thereabouts, and the road that leads from the Lamb-Inn in the said town of Warminster to the quarries on Sack-Hill in the said parish of Warminster, being two miles or thereabouts, and the road that leads from Almshouse-Bridge in the said town of Warminster, to the top of Cradle-Hill in the parish of Warminster, being one mile or thereabouts, and the road that leads from the foot of Elm-Hill in the said parish of Warminster, to a furlong beyond Coleway in the parish of Upton Scidmore in the said county, being one mile or thereabouts, and from the pound in Pound-street in the town of Warminster aforesaid, to two furlong beyond the gate called Common-Gate at the end of Pound-street aforesaid, being half a mile or thereabouts, and from the East end of Back-Lane in the said town to the dwelling-house, now or late in the possession or occupation of John Ford in Crockerton, in the parish of Deverel Longbridge in the said county, being one mile and half or thereabouts, and from the dwelling-house of Thomas Thatcher at the South end of Bishop Strow-street, through Sutton's Common to Newnham-street in the parish of Sutton in the said county, being one mile or thereabouts, by reason of the soil thereof, and the heavy carriages passing through the same, are become so ruinous, &c.

The toll took place the 24th day of June 1727, and is from thence to have continuance for 21 years. *Continued by 16 Geo. 2. c. 5.*

C A P. XVII.

An act for amending and repairing the roads from Luton in the county of Bedford to Weltwood-Gate in the said county.

The toll took place the 1st day of June 1727, and is to have continuance for the term of 21 years. *Continued by 17 Geo. 2. c. 42.*

C A P. XVIII.

An act for the effectual draining and preservation of Haddenham Level in the isle of Ely.

WHEREAS certain fens and low grounds lying in Sutton, Haddenham, Willburton, Stretham and Wentworth, within the isle of Ely and county of Cambridge, containing in the whole six thousand five hundred acres or thereabouts, and bounded as followeth, (to wit) from Stretham ferry, including Stretham Leazure fenn, bounded by a common leam or old sewer, called Haddenham leam or whart, to the partition ditch between Stretham and Willburton aforesaid, and from thence to Snout Corner, and from

thence including Master Barley's acres, to the drove which parts the Hardlands and Willburton Rush fenn, and all along the drove to Aldrey, and from thence by a drove called Fenn-side Drove, and from thence to the stone bridge at Damm Banks end, under which bridge the adventurers drain runs, and from thence along the drove which parts the Hardlands and Berry fenn to Hillrow causeway, and from thence along the drove-way which bounds to Gaules, and from thence by a drove that bounds Haddenham North fenn up to a ditch called Staple Ditch, and from thence to Staple Cloles including Wentworth fenn, and from thence as the ditch bounds Wentworth fenn to Sutton Beefons, and from thence including Sutton Beefons, and from thence including all Sutton South fenn, as bounded by the hardlands of Sutton to the Chain causeway end, and from thence including all little West fenn in Sutton aforesaid, as it is bounded by the Feoffees Holt to Sutton Gault, and from thence along the Hundred Foot Bank as far as the Hermitage, excluding the said bank and ware dyke thereof, and from thence along the bank of the old river Ouse to Strettham Ferry, excluding the bank of the said river Ouse, have for some years past been, and still are overflowed with waters, &c.

D.

Commissioners may make cuts, &c. and erect engines for draining the fens, making satisfaction to the owners. Commissioners to meet twice yearly at Haddenham. May assess the owners of the fens. They may borrow money at 5 l. per centum. Tenants to pay the tax, and deduct it out of their rents. On death, resignation, or refusing to act, commissioners to choose others. Destroying the works, forfeits 50 l. Once in two years all receipts and disbursements to be inspected and audited at the quarter-sessions after Michaelmas. Not to empower the Commissioners to intermeddle with the works of Bedford Level: nor the upper delfes in Haddenham.

C A P. XIX.

An act for repealing part, and making more effectual the residue of an act of parliament made in the first year of the reign of her late majesty Queen Anne, intituled, *An act for the incorporating certain persons for the better providing for, and setting at work the poor in the city of Gloucester.*

Part of the private act 1 Ann. stat. 2. c. 11. repealed. All gifts shall be vested in the corporation. On the first Tuesday in June 1727, thirty one guardians to be chosen at the parish vestries, instead of the twenty four. On equality of votes, presiding officer to determine. Thirty one guardians to be chosen, to continue in office six years. In every sixth year thirty one new guardians to be elected. On death or removal, new guardians to be elected. Guardians one body politick and corporate. Persons who have effects belonging to the corporation, to account and deliver up all books, &c. The corporation to take the profits of Tim. Nourie's devised lands, &c. Corporation may renew leases, and purchase lands, not exceeding 1000 l. per annum. They may place out money in their hands at interest. No money to be lent to the members, &c. Person giving 50 l. may be chosen a guardian. Corporation to charge how many weekly or other sums shall be necessary for the poor in the hospitals. The poor in the hamlets of Littleworth, &c. to be received into the hospitals. Corporation may make by-laws. They may seize the goods of persons brought into the hospital.

CAP.

CAP. XX.

An act for improving the navigation of the river Dun, from a place called Holmstile in the township of Doncaster in the county of York, to Willick Houfe in the parish of Barmby Dun in the said county.

Corporation of Doncaster appointed undertakers to make the river Dun navigable. Commissioners appointed for adjusting differences between the undertakers and owners of wears, &c. They have power to mediate between undertakers and others. May settle satisfaction for their damage. If the parties dislike the determination, commissioners may cause a jury to be impanelled to assess damages. Their verdict conclusive. The verdict to be kept by the town-clerk of Doncaster, among the records. On payment of the money assessed, undertakers may proceed to work. Commissioners to have 100l. per ann. Undertakers to make a cut to convey the water running down Bentley Mill Goit into the Farr waters, &c. They are to fill up the hollows next Arnold Goit on Thorp marsh side, level with the grounds on the other side. Banks of the river to be widened at Longsandall and Redcliffe. Sir George Cook, &c. to have a way over Wheatley ford, as formerly. Undertakers not to set out halling-paths on the South side betwixt Longsandall and Redcliffe. Nor to make wharfs on Sir George Cook's lands, &c. Duties of tonnage for all such lead, iron, steel, horns, hoofs, bones, boxwood, timber, broken and unbroken deals, boards, cheefe, salt, cutlers wares, iron wares, groceries, coals, stone, lime-stone and lime, and all other merchandizes (except corn and malt) as shall be carried upon the river between Holmestile in Doncaster, and so far as the bottom of the cut on Barmy Dun side, such duties as the mayor, aldermen and burgeses shall think fit, not exceeding 10 d. for every fodder of lead, or customary ton of iron, steel, horns, hoofs, bones, box-wood, timber of foreign growth, broken or unbroken deals and boards, nor above 10 d. for every ton of cheefe, salt, cutlers wares, iron wares, groceries and other merchandizes (except corn and malt) and not exceeding 10 d. for every ton of mill or marble stones or coals, 10 d. for every ton of lime, and for every ton of lime-stone, and of other stones, 3 d. and for every ton of plank and timber of English growth, 3 d. A penny per quarter for grain. Boats carrying dung, &c. to be duty free. The three bridges over the new river, &c. vested in the mayor, &c. of Doncaster. Duties for passage through the three bridges, when the draw-bridges are opened, 6 d. for 10 ton. Participants now liable to repair the three bridges, &c. to pay to the mayor, &c. of Doncaster, 20l. per annum in lieu of repairs. Mayor, &c. may dig sods in the participants lands. The participants shall stand, with respect to the country, liable to the repairs, if the mayor, &c. make default. In default of the corporation of Doncaster, the participants to repair the bridges, &c. and receive the duties till they are repaid: or the participants may bring their action at law against the corporation. The new river, as well as the river Dun from Willick downwards, subject to the commissioners of sewers. Not to prejudice the right of the mayor, &c. of York, or to hinder the owners of lands lying on the river, from erecting warehouses, &c. on their own lands. Undertakers not to erect warehouses, &c. in the township of Barmby. They are to make a bridge at Barmby. Commissioners may nominate new commissioners in the place of persons dying or refusing to act. Undertakers may make towing-paths and set up winches: they are to set up gates, bridges and stiles in the towing-paths, and make bridges over the new cuts, for the use of the land owners. No meeting of commissioners above six miles from the matter in question. Masters responsible for damages done by their boats or crew. If any boatman passing any lock, shall not shut it, &c. he shall forfeit 10s. Owner's name to be set on the outside of the vessel. Opening the locks forfeits 10 s. to the poor. All persons to have free passage on the river, paying the duties. Owners of lands, &c. may use pleasure boats on the river. Saving all liberties of fishing and fowling. River Dun, between Holmstile and Willick house, not under the commissioners of sewers: but they shall have the same power down from Willick to the river Ouze as before. Not to charge

charge the tenants of the crown, or tenants of Hatfield in Com' Ebor', with any duties, but the lock dues. The locks shall be opened for boats which have paid the duties, &c. Commissioners may appoint persons to measure the boats. Persons receiving damage by the undertakers, commissioners to assess the damage by a jury. If the undertakers do not pay the assessment, commissioners may constitute a person to receive the duties to the use of the sufferers. Corporation may engage the profits for money to be borrowed. The water engines for supplying Doncaster with water, not to be prejudiced till proprietors satisfied.

CAP. XXI.

An act for granting to his Majesty the sum of three hundred and seventy thousand pounds, to be raised by loans, or exchequer-bills, to be charged on the surplus monies of the duties on coals and culm, granted by an act of the fifth year of his Majesty's reign, for a term of years, and since made perpetual.

MOST gracious Sovereign, Whereas by an act of parliament made and passed in the ninth year of her late Majesty's reign, intituled, An act for granting to her Majesty several duties upon coals, for building fifty new churches in and about the cities of London and Westminster, and suburbs thereof; and other purposes therein mentioned, it was enacted, That for all sorts of coals and culm, which from and after the twenty eighth day of September one thousand seven hundred and sixteen, and before the twenty eighth day of September one thousand seven hundred and twenty four, should be imported and brought into the port of the city of London, or the river of Thames, within the liberty of the said city upon the same river, there should be paid to her Majesty, her heirs and successors, by way of imposition thereupon (over and besides all other impositions and duties) according to the rates herein after mentioned; that is to say, For all such sorts of coals and culm as are usually sold by the chalden, for every chalden thereof, containing thirty six bushels Winchester measure, the sum of three shillings; and for such sort of coals as are sold by the ton, for every ton thereof, containing twenty hundred weight, the sum of three shillings; all the produce of which said imposition on coals and culm was thereby appropriated for the building of fifty new churches, in or near the cities of London and Westminster, or the suburbs thereof; and other purposes therein mentioned: and whereas by an act of parliament made and passed in the first year of your Majesty's reign, the said impositions and duties on coals and culm were further granted to your Majesty, from the twenty seventh day of September one thousand seven hundred and twenty four, to the twenty eighth day of September one thousand seven hundred and twenty five, and the whole produce thereof thereby applied for the making provision for the ministers of the said fifty new churches, and other purposes therein mentioned: and whereas by an act of parliament of the fifth year of your Majesty's reign, intituled, An act for continuing certain duties upon coals and culm, and for establishing certain funds to raise money, as well to proceed in the building of new churches, as also to compleat the supply grant-

See 1 Geo. 2.
c. 8.

1 Geo. 1. stat. 2.
c. 23.

5 Geo. 1. c. 9.

granted to his Majesty, and to reserve the overplus monies of the said duties for the disposition of parliament, and for more effectual suppressing private lotteries, *the same impositions and duties were granted to your Majesty, from the twenty seventh day of September one thousand seven hundred and twenty five, to the feast of the annunciation of the blessed Virgin Mary, which should be in the year of our Lord one thousand seven hundred and fifty one, and were thereby charged with a particular fund of twenty one thousand pounds per annum for thirty two years, from the twenty fifth day of March one thousand seven hundred and nineteen; for the raising the sum of three hundred and sixty thousand pounds, in lieu of the provisions by the former acts, for the building of the said churches, and other purposes before mentioned, and were by the same act further charged with another particular fund of thirty thousand five hundred and fifty nine pounds fourteen shillings per annum, for the like term of thirty two years, from the said twenty fifth day of March one thousand seven hundred and nineteen, for the paying off and discharging the sum of five hundred thousand pounds, with interest at four pounds per centum per annum, for the fortunate tickets in the lottery established by the said last mentioned act; and in and by the said last mentioned act, it was enacted, That all the surplus, excess or overplus monies, which should quarterly arise by the said duties on coals and culm (over and above so much as should be sufficient to discharge the several annual or other sums thereby charged thereon) and all the surplus, which should remain after the said sum of three hundred and sixty thousand pounds, to be charged on the said particular fund of twenty one thousand pounds per annum, and the principal and interest, to be charged on the said particular fund of thirty thousand five hundred and fifty nine pounds fourteen shillings per annum, should be entirely paid off, discharged and satisfied, should be kept apart, and reserved for the disposition of parliament, and should not be disposed or applied to any use or purpose whatsoever, but by the authority of parliament, and according to such future act or acts of parliament, as should be made and passed for the disposition thereof: and whereas by a subsequent act of parliament, made in the sixth year of your Majesty's reign, for enabling the South-Sea company to enlarge the capital stock and fund of the said company, the said duties on coals and culm were continued for ever; and it was thereby enacted, That the said governor and company might before the first day of March one thousand seven hundred and twenty one redeem all and every, or any the redeemable debts and incumbrances therein particularly set forth and enumerated, including therein the said sum of five hundred thousand pounds for the said lottery, and the securities for the same, by paying off the same, at the rate of one hundred pounds for every one hundred pounds principal money, and proportionably for a greater or lesser sum; and it was thereby enacted, That upon such payment of the respective sum or sums payable to the proprietors for such redemption the same should be adjudged to be redeemed, and the interest and annuity payable in respect thereof to the respective proprietors of such debts and incumbrances should thenceforth cease and determine to be payable to them, and in lieu thereof an annuity after such and the like rate as the interest-*

terest-money and annuity, as was then payable for or in respect of such debts or incumbrances, should be from thenceforth payable to the said governor and company, and their successors, until redemption by parliament, and a proportional addition in respect thereof should be made to their capital stock; and it was by the same act provided, That if the proprietors of the said redeemable debts and incumbrances should be willing to accept, in lieu of the said rate of one hundred pounds per centum in money, a share or shares in the capital or joint stock of the said company, at such price as should be agreed on between the said company and the said proprietors, that then, in lieu of their respective debts, they should be entitled to such shares in the said capital or joint stock; and that such persons so accepting stock in lieu of money should deliver up to such person or persons, as for that purpose should be appointed, the orders whereby such proprietors were entitled to such debts or incumbrances, and that the person or persons to be appointed for taking in the said orders should deliver the said orders into the office of the auditor of the receipt of exchequer, there to remain for ever; and that no payments or issues upon any of the said orders so delivered up should afterwards be made at the exchequer, unless for arrears of the said annuities or interest monies; and the particular duties, revenues, funds and provisions charged with the payment of the annuities and debts, which were payable by the said orders so delivered up, should be thenceforth discharged of and from the same; and by the same last mentioned act it was enacted, That the said company should have an additional allowance for charges of management, in proportion to the annuities and debts to be taken in or paid off, by them to be settled in manner as therein is mentioned; and that the same, together with the sum then allowed them for charges of management, should be charged upon and payable out of the particular duties, revenues and incomes by the said act charged or intended to be charged to and with their then present annuity, and the several additions to be made thereto: and whereas, in pursuance of the said last mentioned act, the South-Sea company did redeem so much of the said debt of five hundred thousand pounds as amounted to the principal sum of four hundred thirty four thousand six hundred and five pounds, by taking the same into their capital stock at the prices agreed between them and the said proprietors, and the standing orders for the same have been accordingly delivered up into the office of the auditor of the receipt of exchequer, and by means thereof the said company are become entitled to an annuity or yearly sum of seventeen thousand three hundred eighty four pounds four shillings, being after the rate of four pounds per centum per annum, in respect of the said principal sum so redeemed and taken into their capital stock, and the residue of the said principal debt or sum of five hundred thousand pounds hath been since paid off, and discharged, by means whereof the said annuity of thirty thousand five hundred fifty nine pounds fourteen shillings is redeemed and determined, and the said impositions or duties stand now charged with the said particular fund of twenty one thousand pounds per annum for the residue of the said term of thirty two years, for the purposes aforesaid, and with the said annuity of seventeen thousand three hundred eighty four pounds four shillings, payable to the South-Sea company, until the redemption thereof by parliament, and with a proportionable part of the additional

ditional allowance for charges of management, allowed or to be allowed the said company, in respect of the said sum of four hundred thirty four thousand six hundred and five pounds so redeemed and taken into their capital stock as aforesaid: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, taking into our serious consideration the great expences and charges your Majesty must necessarily be at for the defence of this realm, and maintaining the important town and fortres of *Gibraltar*, now actually besieged by the forces of the King of *Spain*; for the preserving the trade and navigation of this kingdom, and maintaining and preserving a just balance of power and peace in *Europe*; and being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty for these purposes, in the easiest manner we are able, for the benefit of your subjects, have freely and voluntarily given and granted, and by this act do give and grant to your Majesty the sum of three hundred and seventy thousand pounds, to be raised in such manner and form as is herein after directed; and to that end do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That there shall be provided and kept in the office of the auditor of the receipt of the exchequer one book or register, in which all the orders for money payable upon this act shall be entred and registred; and that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to lend to his Majesty, at the said receipt, upon credit of the said surplus, excess or overplus monies so as aforesaid reserved for the disposition of parliament, any sum or sums of money not exceeding in the whole the sum of three hundred and seventy thousand pounds, which lenders shall have interest for their forbearance of their respective loans, not exceeding the rate of four pounds *per centum per annum*, so as such loans be allowed to be made by the commissioners of the treasury, or any three or more of them, or by the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose, as fast as such loans shall be wanted for the publick service; the said interest to be paid every three months from the making of such loans, until the satisfaction of the principal sums respectively; and that no monies so to be lent, shall be rated or assessed in any tax or assessment whatsoever; and that every such lender shall immediately have a talley of loan struck for the money by him, her or them lent, and an order of the same date for repayment thereof, with such interest as aforesaid; and that all such orders shall be registred in course according to their dates, and all persons thereupon shall be paid in course, as their orders shall stand registred, so as the person or persons, natives or foreigners, his, her or their executors, administrators or assigns, whose orders shall

370,000l.
granted to his Majesty.

Any persons may lend on credit of the overplus money on coals, at 4l. per cent.

Interest to be paid every 3 months.

Orders to be registred in course.

shall be first registred, shall be accounted the person or persons to be first paid, and so successively in course; and that the said surplus, excess or overplus monies shall be in the same order liable to the satisfaction of the said respective persons, their executors, administrators or assigns successively, without undue preference of one before another, and not otherwise, and shall not be diverted or divertible to any other use, intent or purpose whatsoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken, for providing or making any such books or registers, or any entries, views or search, in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party aggrieved, by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to forfeit his place also; and if any undue preference of one before another shall be made in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt or on the case, to pay the value of the debt, with full costs of suit to the party aggrieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages and costs, and shall be for ever incapable of his place or office; and in case the auditor of the receipt shall not direct, or the clerk of the pells record, or the tellers make payment, according to each person's due place or order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies or clerks therein offending to be liable to such action, debt, damages and costs in such manner as aforesaid; all which said penalties, forfeitures, damages and costs to be incurred by any of the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction or order of restraint, shall be in any wise granted or allowed.

No undue preference.

Tallies dated the same day no undue preference. Nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Treasury may issue new exchequer-bills at 2d. per cent. per diem. Interest saved on bills in the exchequer, or in the receivers hands. The bills to be registred arithmetically, and paid in course. Treasury to direct the course of payment for loans or exchequer-bills, and to appoint cheques, &c. The bills shall be placed as cash in the exchequer. These bills shall be subject to the rules in the land-tax 13 Geo. 1. c. 1. The loans and exchequer-bills charged on the surplus monies to arise from Michaelmas 1726, on the duties on coals. Treasury on Michaelmas yearly to take an account of the surplusses of the preceding year. If there be more than will pay interest, &c. principal to be paid off so far as it will extend. Deficiency to be made good out of the first supplies, or out of the sinking fund. Monies issued out of the sinking fund to be replaced there. If the whole 370,000l. be not raised by Michaelmas 1727, the surplusses in the exchequer may be issued as part of the sum, &c. E X P.

The debt is redeemed.

1 Geo. 2. c. 8.

XVII. Provided also, and be it enacted by the authority aforesaid, That from and after the paying off, cancelling and discharging all the said loans, exchequer-bills, interest, *Premium* or rate and charges, and subject thereto, all the surplus, excess or overplus monies to arise by, for or upon the said impositions or duties on coals and culm, to be computed quarterly, as by the said act of the fifth year of his Majesty's reign is directed, shall from time to time be kept apart, and reserved for the disposition of parliament, and shall not be applied or disposed to any use or purpose whatsoever, but by the authority of parliament, and according to such future act or acts of parliament as shall be made and passed for the disposition thereof.

After paying off these bills, the surplusses shall be reserved for the disposition of parliament.
5 Geo. 1. c. 9.

XVIII. Provided always, That nothing in this act contained shall extend, or be construed to extend, in any manner to alter, defeat, weaken or impeach the provisions made by the said several acts of the fifth and sixth years of his Majesty's reign, or either of them, for the due payment of the said particular fund of twenty one thousand pounds *per annum*, or any the principal sums to be raised thereby, or the interest thereof, or of the said annuity of seventeen thousand three hundred eighty four pounds four shillings, so as aforesaid due and payable to the *South-Sea* company for or in respect of the said sum of four hundred thirty four thousand six hundred and five pounds subscribed into their capital stock, or the additional allowance for charges of management, or any other right or interest which the said *South-Sea* company, or any other person or persons, body or bodies politick or corporate, claiming or to claim by, from or under them, have or ought to have out of the monies arising by or for the said impositions or duties, by virtue of the before recited act of the sixth year of his Majesty's reign, but the same shall for ever hereafter remain and continue in as full force, to all intents and purposes, as if this act had not been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Not to alter the provisions made by the acts 5 Geo. 1. c. 9.
6 Geo. 1. c. 4.

XIX. Provided also, and it is hereby further enacted by the authority aforesaid, That from and after payment and discharge, as well of all the loans and exchequer-bills to be created by this act, with all the interest, *Premium*, rate and charges thereon, as of all former or other sum or sums of money charged on the said impositions and duties on coals and culm, then and not till then the same impositions and duties shall be understood to be redeemed by parliament, and shall not be issued, paid or applied to any use, intent or purpose whatsoever, but by authority of parliament; any provision in any former or other act or acts of parliament to the contrary notwithstanding.

When the duties on coals shall be understood to be redeemed.

XX. And be it enacted by the authority aforesaid, That the said sum of three hundred and seventy thousand pounds, to be raised in manner as aforesaid, shall be appropriated and applied, and is hereby appropriated for and towards the same uses, intents and purposes, that the sums of money already granted in this session of parliament, for the supply or service of the year one thousand seven hundred and twenty seven.

The 370,000l. appropriated for the service of the year 1727.

thousand seven hundred and twenty seven, are appropriated or directed to be issued by an act of this present sessions of parliament for) continuing the duties on malt, mum, cyder and perry for the service of the year one thousand seven hundred and twenty seven) or by any other act or acts of this present sessions of parliament, and to and for none other use, intent or purpose whatsoever.

C A P. XXII.

An act for enlarging the times for bearing and determining claims by the trustees for raising money upon the estates of the late directors of the South-Sea company, and others; and for relief of the creditors of Robert Knight, esquire, late cashier of the said company, and for relief of persons who have entred claims for contingent debts and incumbrances; and for giving time to Ralph Gulston, and other creditors of Edward Gibbon, esquire, to enter claims before the said trustees, for a debt specified in the inventory of the said Edward Gibbon; and for empowering the trustees to dismiss claims for want of prosecution; and for applying the produce of the said estates for the benefit of the South-Sea company.

7 Geo. 1. stat.
1. c. 28.

WHEREAS by an act of parliament made in the seventh year of his Majesty's reign, intituled, An act for raising money upon the estates of the late sub-governor, deputy governor, directors, cashier, deputy-cashier, and accountant of the South-Sea company, and of John Aislaby, esquire, and likewise of James Craggs sen. esquire, deceased, towards making good the great loss and damage sustained by the said company; and for disabling such of the said persons as are living to hold any office or place of trust under the crown, or to sit or vote in parliament for the future; and for other purposes in the said act expressed; it is amongst other things enacted, That all and every the castles, honours, lordships, manors, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions and privileges whatsoever, and all appurtenances to them, every or any of them belonging or appertaining, and all rights of entry, rights of action, titles, conditions, uses, trusts, powers and authorities, and all leases for life, lives or years, pensions, annuities, rent-charges and hereditaments whatsoever, and of what nature or kind soever they be, and all and every the share and shares in the capital stock or stocks of any corporation, company or society whatsoever, and all monies due upon any account or accounts balanced or to be balanced, and all other debts and securities for debts, and all ready monies, jewels, plate, goods, merchandizes, personal estate and effects whatsoever, and of what nature or kind soever, in Great Britain, Ireland, or elsewhere, which Sir John Fellowes, baronet, (late sub-governor) Charles Joye, esquire, (late deputy governor) and William Astell, esquire, Sir Lambert Blackwell, baronet, Sir John

John Blunt, *baronet*, Sir Robert Chaplin, *baronet*, Sir William Chapman, *knight and baronet*, Robert Chester, *esquire*, Stephen Child, *esquire*, Peter Delaporte, *esquire*, Francis Eyles, *esquire*, James Edmondson, *esquire*, Edward Gibbon, *esquire*, John Gore, *esquire*, Sir William Hammond, *knight*, Francis Hawes, *esquire*, Richard Horsey, *esquire*, Richard Houlditch, *esquire*, Sir Theodore Janssen, *knight and baronet*, Sir Jacob Jacobson, *knight*, Arthur Ingram, *esquire*, Sir John Lambert, *baronet*, Sir Harcourt Master, *knight*, William Morley, *esquire*, Ambrose Page, *esquire*, colonel Hugh Raymond, Samuel Read, *junior*, *esquire*, Thomas Reynolds, *esquire*, Jacob Sawbridge, *esquire*, William Tillard, *esquire*, and John Turner, *esquire*, (late directors of the corporation of the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery) and also Robert Knight, late treasurer or cashier, Robert Surman, late deputy-cashier, John Grigsby, late accountant to the said corporation, and John Aislabie, *esquire*, every or any of them, upon the first day of June anno domini one thousand seven hundred and twenty, or at any time or times afterwards, or which James Craggs the elder, deceased, or any person or persons in trust for him at the time of his death, was or were seized or possessed of, or interested in, or entitled unto, in law or equity in their or any of their own rights, or to his or their own use or uses, or in partnership with any others (except as in the said act is excepted) were, by force and virtue of the said act, vested and settled in Sir John Eyles, *baronet*, Sir Thomas Cross, *baronet*, John Rudge, *esquire*, Matthew Lant, *esquire*, Roger Hudson, *esquire*, now Sir Roger Hudson, *knight*, Edmund Halsey, *esquire*, John Lade, *esquire*, Gabriel Roberts, *esquire*, and Richard Hopkins, *esquire*, now Sir Richard Hopkins, *knight*, thereby nominated and appointed trustees for the uses and purposes in the said act expressed of and concerning the same, and the heirs, executors, administrators and assigns of the same trustees, from the respective times in the said act named, to the intent the same might be sold and disposed of, or otherwise applied to and for the uses and purposes in the said act expressed concerning the same, and that the clear monies arising thereby should be appropriated to and for the use of the South-Sea company, in such manner as therein is expressed: and it is thereby further enacted, That the entries of such claims, as by the said act are directed, by or for any person or corporation in Great Britain, should or might be made at any time before the twenty fifth day of December one thousand seven hundred and twenty one, and by or for any person or persons residing or being beyond the seas, or out of Great Britain, should and might be made at any time before the twenty fifth day of March one thousand seven hundred and twenty two: and by the said act it is further enacted, That the said trustees, or any three or more of them, should and might inquire and inform themselves, by or upon the testimony of witnesses upon oath, or by the examination of the persons making such claims upon oath (all which oaths they, or any one or more of them, had power to administer) or by the inspection of any mortgages, bonds, bills, notes or other securities, or any accounts relating to the said debts, or any of them so claimed, or by

inspection of any grants, gifts, settlements, conveyances, transfers or assurances relating to the said estates, interests or incumbrances so claimed, or any of them, or by all or any of the said ways and means, or otherwise, according to their discretions, as soon as conveniently might be, touching all or any of the debts, estates, interests, or incumbrances so claimed, and should make a report or reports in writing of their proceedings therein, with their opinions thereon, from time to time, to the court of directors of the said South-Sea company for the time being; and if the said court of directors for the time being should be satisfied in the justice of such claim or claims, or that any debt or sum of money ought to be paid thereon, or that the estate, interest, or incumbrance so claimed, or any part thereof, ought to be allowed, and should declare their satisfaction therein, by any resolution or resolutions of that court; and if the party or parties, by or for whom such claim should be made, should likewise, in a book or books to be kept in the said trustees publick office for that purpose, declare in writing under his, her or their hands, his, her or their acquiescence in such resolution or resolutions of the said court of directors for the time being, touching his, her or their debt, estate, interest, or incumbrance so claimed, at any time or times before the first day of August one thousand seven hundred and twenty two; then in all and every such case and cases the said trustees, or any three or more of them, should give warrant for the payment and discharge of every such debt or sum of money so liquidated or adjusted, out of such monies as should come to the hands of the cashier of the said South-Sea company for the time being, for the purposes in the said act expressed: and it was by the said act further enacted, That the justices of the courts of King's bench and common pleas, and barons of the coif of the exchequer for the time being, or any three or more of them, sitting at the same time and place, and not otherwise, should, and they were thereby authorized, from time to time, to hear and determine all differences, disputes and controversies touching or concerning any debts, estates, interests, or incumbrances, which should be claimed within the respective times therein before limited for making such claims, and could not or should not be liquidated or adjusted between the said court of directors for the time being, and the respective claimants within the time before limited in that behalf, and all incidents relating thereunto, in such manner, as by the said act is directed: and by the said act it is further enacted, That the said justices and barons, or any three or more of them, upon a complaint to be made by or for any claimant of any such debt, estate, interest, or incumbrance, whose claims should not be liquidated or adjusted as aforesaid, (so as such complaint be made on or before the twenty fifth day of December one thousand seven hundred and twenty two) should proceed in such manner as by the said act is directed; and the said justices and barons, or any three or more of them, in all cases where they should find that any debt or sum of money ought to be paid to such claimant upon such claims, or that the estate, interest, or incumbrance so claimed, or any part thereof ought to be allowed, should and might, at any time or times before the twenty fifth day of March one thousand seven hundred and twenty three, transmit a certificate or certificates thereof to the said trustees in the
said

said act nominated: and by the said act it is provided and enacted, That the powers given by the said act to the said justices and barons, for hearing and determining such differences, disputes and controversies relating to such claims as aforesaid, and issuing their certificates concerning the same as aforesaid, should continue and be in force until the twenty fifth day of March one thousand seven hundred and twenty three, and no longer. And whereas by an act made in the eighth year of his Majesty's reign, intituled, An act for prolonging the 8 Geo. 1. c. 23.
times for hearing and determining claims before the trustees, in whom the estates of the late South-Sea directors, and of John Aislabe, esquire, and likewise of James Craggs, esquire deceased, are vested, and for other purposes therein mentioned, several of the times in the former act limited were enlarged to further times therein expressed: and whereas by an act made in the ninth year of his Majesty's reign, intituled, An act for further enlarging the 9 Geo. 1. c. 23.
times for entering, hearing and determining claims on the estates vested in the trustees of the South-Sea company, and obliging persons to claim stock by the time therein mentioned, for money subscriptions, and for other the purposes therein mentioned, the times in the said last mentioned act limited were further enlarged to other times therein expressed: and whereas by an act made in the tenth year of his Majesty's reign, intituled, An act for enlarging the times for hearing and determining claims by the trustees, 10 Geo. 1. c. 14.
for raising money upon the estates of the late directors of the South-Sea company and others, and for reviving and continuing the provision formerly made against requiring special bail in actions or suits upon contracts for stock or subscriptions, between the first day of December one thousand seven hundred and nineteen and the first day of December one thousand seven hundred and twenty, and for other purposes therein mentioned, the times in the last mentioned act of the ninth year of his Majesty's reign were enlarged to further times therein expressed; and whereas the time by the last mentioned act limited for the said court of directors being satisfied of the justice of such claim or claims, and for declaring their satisfaction therein by any resolution or resolutions of the said court, did expire on the twenty fourth day of December last, and the other times limited by the said act for other purposes therein mentioned are near expiring; now soasmuch as the claims made pursuant to the first recited act, and also to the herein before recited act of the ninth year of his said Majesty's reign, could not be adjusted and determined within the times already limited for the same; may it please your most excellent Majesty, that it may be enacted, &c. EXP.

Time for the directors of the South-Sea company being satisfied in any claims, enlarged to 24 June 1728, and for the judges determining disputes, to 24 Decem. 1728. Robert Knight's estate made liable to pay his creditors, before any demand of the South-Sea company. Trustees to give their warrants for discharging such debts. Clause for relief of persons who have entred claims for contingent debts and incumbrances. Trustees may 7 Geo. 1. stat. 1. c. 28.
 compound with such claimants. Time given to Ralph Gulston and other creditors of Edward Gibbon, esq; to enter their claims before the trustees. The money to be paid to creditors or executors. Trustees may dismiss claims not prosecuted within 60 days after personal notice or publication

in the Gazette. Trustees before the 25 March 1728, to settle an account of all South-Sea stock and annuities vested in them, &c. 1 Geo. 2. stat. 2. c. 8. f. 21.

C A P. XXIII.

An act for the better regulation of the woollen manufacture, and for preventing disputes among the persons concerned therein; and for limiting a time for prosecuting for the forfeiture appointed by an act of the twelfth year of his Majesty's reign, in case of payment of the workmens wages in any other manner than in money.

WHEREAS divers controversies and disputes have arisen between the clothiers and makers of woollen goods and the manufacturers employed by them, concerning the length of the warping bars, and the uncertainty of weights by which wool, yarn and other materials used in the manufacturing or making up of woollen goods have been delivered out to the several workmen employed therein: now for the better regulating of the said manufacture, and the quieting or more speedy determining all disputes which may happen for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June* one thousand seven hundred and twenty seven, it shall not be lawful for any maker of mixed, medley or white cloth to use or cause to be used, any bars, called warping bars, but only such which shall be of the measure and length hereafter appointed; that is to say, every long warping bar shall be in length three yards and three inches, and no more; and every round warping bar shall be four yards and four inches round, and no more; the said three inches on the long bar, and the said four inches on the round bar, being in lieu of the over measure usually allowed in cloths; and also that the thrums at the end of the warping bars shall not exceed eighteen inches in length; and if any maker of such cloth shall after the said first day of *June* use or cause to be used any warping bar of other length or measure than what is hereby appointed, or with thrums exceeding eighteen inches in length, every such maker of such cloth shall for every such offence forfeit and pay the sum of ten pounds.

The length of warping bars and thrums to be used in mixing medley or white cloth.

All wool, &c. to be given out by weight, at 16 oz. to the lb.

II. And be it further enacted by the authority aforesaid, That every maker of such cloth or goods mixed with wool shall give out all wool, yarn or other materials for such manufacture by weight, after the rate of sixteen ounces to the pound, and shall receive back the same by the same weight without fraud or deceit, upon pain of forfeiting and paying the sum of five pounds for every offence contrary to the true meaning of this act.

No clothier to use any ends of yarn, &c.

III. And be it further enacted by the authority aforesaid, That no clothier or maker of woollen cloths, druggets or other woollen goods, or goods mixed with wool, shall use or cause to be

be used any ends of yarn, wefts or other refuse of cloths, drug-gets or other woollen goods, or goods mixed with wool, flocks and pinions only excepted, by working the same up again into any sorts of goods whatsoever, upon pain of forfeiting and paying for every such offence, contrary to the true meaning of this act, the sum of five pounds.

IV. And be it enacted, That all prosecutions for offences contrary to the true meaning of this act shall be heard and determined by two or more justices of the peace for the county, division or place where such offence shall be committed, upon information given upon oath within three calendar months after such offence committed; and such justices are hereby authorized and required to examine, hear and determine the same; and upon every conviction for such offence to issue their warrant or warrants to levy such pains or penalties by distress and sale of the offender's goods and chattels; one moiety thereof to the use of the informer or informers, and the other moiety to the use of the poor of the parish where such offence or offences shall be committed; and for want of a sufficient distress to commit the offender or offenders to the county gaol for any time not exceeding the space of three months, or until satisfaction be made by such offender or offenders.

V. And be it enacted, That all disputes and demands relating to work, wages or damages between any clothier or maker of woollen goods, or goods mixt with wool, and any weaver or other person or persons employed in such manufactures, shall be heard and determined by two or more justices of the peace for the county, division or place where such dispute or demand shall arise, who are hereby required and authorized, upon complaint to them made, to summon the parties, and to hear and examine upon oath, and adjudge such satisfaction, and to give such costs and damages to the party aggrieved, as in their discretion shall seem reasonable, and to issue their warrant or warrants to levy such costs and damages by distress and sale of the goods and chattels of such person or persons, who shall refuse, for the space of ten days, to pay such costs and damages by them so adjudged; and for want of a sufficient distress, to commit the party to the county gaol or house of correction for any time not exceeding the space of three months, or until satisfaction shall be made by the party so offending.

VI. Provided always, That it shall and may be lawful for any person aggrieved by any order of such justices, to appeal to the justices of peace at the next general quarter-sessions to be holden for the county, division or place where such order shall be made, giving six days notice in writing of such appeal; and the justices in their quarter-sessions are hereby authorized and required to hear and determine the matter of such appeal, and make such order, and to award such costs and damages, as to them in their discretion shall seem reasonable, and to levy, by their order or warrants such costs and damages so awarded, by distress and sale of the goods and chattels of any person or persons

sons who shall refuse to obey the same; and for want of sufficient distress to commit the party to the county gaol or house of correction for any time not exceeding three calendar months, or until satisfaction shall be made by the parties offending; and such award or order of the justices at the quarter-sessions shall be final, nor shall the proceedings of any justice or justices out of sessions, or of the justices in their sessions, in pursuance of this act, be liable to be removed by *certiorari* or other form or process of law; any thing in this present or any other act or acts contained to the contrary notwithstanding.

Justices on information of ill practices may issue warrants to search.

VII. And to prevent the ill practices aforesaid, and to detect the same, in case they shall be committed, be it enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justice or justices of the peace, upon information to him or them given on oath, that any person or persons are (or are suspected to be) guilty of any of the ill practices aforesaid, to issue out his or their warrant or warrants to any constable, tithingman or other peace officer or officers, or to any churchwarden or overseer, directing him or them in the day-time to enter into any house or houses, shop or shops, warehouse or warehouses, or other suspected place or places, to search for and examine all such bars and weights as shall be made use of for the purposes before-mentioned by any such clothier or maker of woollen goods as aforesaid; and if any clothier or maker of woollen cloth shall interrupt any such officer or officers in the execution of his or their office or offices, that then such clothier or maker shall for every such offence forfeit and pay the sum of five pounds.

Constables may search end-gatherers.

VIII. *And whereas several abuses have been committed in the woollen manufacture by persons, commonly called End-gatherers, going about the counties within this kingdom, and collecting, buying and receiving from the labourers employed in such manufacture ends of yarn, wefts, thrums, short yarn and other refuse of cloth, drugget and other woollen goods, and goods mixt with wool, flocks and pinions only excepted; be it therefore enacted by the authority aforesaid, That if from and after the said first day of June one thousand seven hundred and twenty seven any such person or persons shall be found collecting, buying, receiving or any ways carrying or conveying such ends of yarn, wefts, thrums, short yarn or other refuse of cloth, drugget or other woollen goods, or goods mixed with wool, flocks and pinions only excepted, in any bag or bags or other convenience for carrying such ends of yarn, wefts, thrums, short yarn or other refuse of cloth, drugget or other woollen goods, or goods mixed with wool, that it shall and may be lawful for any constable or other peace officer, by warrant under the hand and seal of one or more justice or justices of the peace, to search and examine such person or persons, his, her or their bag or bags or other convenience for carrying such ends of yarn, wefts, thrums, short yarn or other refuse of cloth, drugget or other woollen goods, or goods mixed with wool; and if on such search such constable or other officer shall find*

find on or with any such person or persons any such ends of yarn, wefts, thrums, short yarn or other refuse of cloth, drugget or other woollen goods, or goods mixed with wool, flocks and pinions only excepted, that then such constable or other officer shall carry such person or persons before one or more justice or justices of the peace for the county, division, city or town corporate where such person shall be so found and discovered so offending; which person or persons, upon due conviction of any of the said offences on oath of one or more witness or witnesses, or by confession of the party or parties, him, her or themselves, every such person so offending shall be deemed and taken to be a dangerous and incorrigible rogue, vagrant or person, and shall be liable to be deemed, taken and punished as a dangerous and incorrigible rogue, vagrant or person, in the same manner as is directed by the statute of the twelfth year of the late Queen *Anne*.

If on search ends of yarn, &c. be found on them, they are to carry them before a justice.

On conviction to be deemed incorrigible rogues.

11 Ann. stat. 2. c. 23.

IX. And be it further enacted by the authority aforesaid, That from and after the said first day of *June* one thousand seven hundred and twenty seven every maker of mixed, medley or white broad cloath shall satisfy and pay to the weaver or weavers employed by such maker in or about the weaving the same, according to the number of yards that the said chains are laid on the warping bars, and not otherwise, on pain of forfeiting and paying for every offence contrary to the true meaning hereof the sum of five pounds.

Makers to pay the weavers according to the yards that the chains are laid on the warping bars.

X. And be it further enacted by the authority aforesaid, That for preventing of the ill practices used in the excessive straining of mixed or medley woollen broad cloth, every owner or proprietor of tentor or tentors, rack or racks for such cloth, within the counties of *Gloucester*, *Wilts* and *Somerset*, shall, after the first day of *August* one thousand seven hundred and twenty seven, and he is hereby required to measure such tentor or tentors, rack or racks, as shall be made use of for tentoring or racking such cloth, and to mark or number in figures plain and fair to be seen, the true length of yards of each tentor or rack, beginning at number I. and so continuing to the end thereof, upon the top bar belonging to each tentor or rack, and on the fore-side thereof; each yard to contain six and thirty inches, to which shall be added one inch more, being in lieu of the over measure usually allowed in cloths, so that the same length shall contain seven and thirty inches, to prevent any disputes in respect of measuring by the yard; and if any such tentor or tentors, rack or racks shall, after the said first day of *August* one thousand seven hundred and twenty seven, be found not to be measured or truly marked and numbered as aforesaid, the owner or proprietor of such tentor or tentors, rack or racks, shall forfeit and pay the sum of five pounds for each tentor or rack that shall be found not so numbred and marked as aforesaid; and the justices of the peace for the counties aforesaid, in their respective general quarter-sessions next after *Midsummer-Day* next, and afterwards at their general quarter-sessions next after *Easter* yearly;

Owners of tentor grounds to measure their tentors in com^{ty} Gloucester, Wilts, and Somerset.

Forfeiture for not measuring the tentors.

Inspectors to be chosen

Their power.

yearly and every year, shall choose and appoint so many skilful men of good character and repute within the said respective counties, as they shall think reasonable, to be inspectors for the year ensuing, and may allow to each of them a salary not exceeding thirty pounds *per annum*, to be paid out of such money as shall be received by the treasurers of the said counties respectively, as is herein after directed; which said inspectors shall, and they hereby have full power, at all seasonable times, in the day time (*Sundays* excepted) to enter and inspect all and every the mill and mills, shop and shops, out-house and out-houses, and tentor grounds of every clothier, millman and other person concerned in the manufacturing and milling of mixed or medley woollen broad cloth; and they are to measure the length of every tentor or rack, and length and breadth of every such cloth he shall there find, before it shall be carried from thence, and shall stamp his name on a lead seal, to be furnished by the maker of such cloth or cloths, and affix the same on the head end of every such cloth, and shall keep one or more book or books, wherein shall be registred or set down such clothier's, millman's or other person's name, and the number and exact length and breadth of every such cloth, which shall be made within their respective divisions; and shall, at every general quarter-sessions of the peace to be holden for the county, city or town corporate wherein they shall be so appointed respectively, give in a true copy of such register, with an account of what pains, penalties and forfeitures have been levied, recovered and received, by virtue of this act, within their respective divisions; and no inspector shall enter upon the execution of such his office before he hath taken the oath following before one of his Majesty's justices of the peace for the county, city or town wherein he shall be appointed inspector:

I A. B. do swear that I will well and truly execute the office of an inspector of mixed or medley woollen broad cloth within this county, according to the laws and statutes of this realm, and according to the best of my skill and knowledge.
So help me God.

Penalty for refusing entrance to the inspectors.

XI. And if from and after the said first day of *August* one thousand seven hundred and twenty seven, any clothier or maker of any such cloth, or any millman or other person within the counties aforesaid, shall refuse such inspector or inspectors to enter the said places or any of them for the purposes aforesaid, the person so refusing or resisting shall forfeit and pay the sum of ten pounds.

XII. Provided, and be it enacted, That if any such inspector or inspectors appointed as aforesaid, do or shall act therein against his or their said oath or oaths, he or they being convicted thereof, shall forfeit and pay the sum of twenty pounds.

Inspectors salary how to be raised.

XIII. And for the raising the aforesaid salaries for the inspectors aforesaid, Be it enacted, That from and after the said first day of *August* every maker or makers of mixed or medley woollen

len broad cloth within the counties aforesaid, shall pay to the said inspector or inspectors appointed as aforesaid, the sum of two pence *per* cloth, for every such cloth, he, she or they shall make, before the said cloths are sent away from the said mill or mills; and the said inspector or inspectors shall, every three months or oftner, pay the money by him or them so received, into the hands of the treasurer of the county for the time being, where such inspector or inspectors shall live or exercise his or their office or offices, to be applied by the direction of the said justices at their general quarter-sessions, towards the salaries of inspectors to be appointed by virtue of this act.

XIV. And if any millman within the counties aforesaid shall, after the said first day of *August*, send home to any clothier or maker of cloth, any such cloth or cloths as aforesaid, before they are inspected and measured as aforesaid, then such millman shall, for every piece of cloth so sent home, forfeit and pay the sum of forty shillings.

Penalty on millman sending home cloth before inspected.

XV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to repeal or make void any powers formerly given by charter or act of parliament to the corporation of clothiers in the city of *Worcester*, for the better governing and regulating the woollen manufacture, but that the same shall and may be used and exercised, as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Not to repeal a charter to the clothiers of Worcester.

XVI. And whereas, by an act passed in the twelfth year of the reign of his present Majesty, intituled, *An act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for the better payment of their wages*, It is enacted, That if any clothier, sergemaker, woollen, or worsted stuffmaker, or person concerned in making any woollen cloths, serges or stuffs, or any ways concerned in employing woolcombers, weavers or other labourers in the woollen manufactures as aforesaid, shall pay any person or persons employed by them, their wages or other price agreed on, or any part thereof, either in goods, or by way of truck, or in any other manner than in money, every person so offending shall forfeit and pay the sum of ten pounds.

Prosecutions on the act 12 Geo. 1. to be commenced within 3 months after offence committed.

XVII. And whereas by the said act no time is limited for prosecuting for such offence as aforesaid, be it therefore enacted by the authority aforesaid, That every prosecution for such offence, by virtue of the said recited act, shall be commenced within the space of three months next after such offence committed, and not otherwise.

XVIII. And be it further enacted, That if any person is sued or molested for any matter done in pursuance of this act, such person may plead the general issue, and may give this act and the special matter in evidence; and if after the defendant or defendants shall have appeared the plaintiff shall be nonsuited, or discontinue his action, or if upon demurrer judgment shall be given against the plaintiff, or if a verdict is given for the defendant or defendants, the defendant or defendants shall and

General issue.

may recover treble costs, for which he and they shall have the same remedy, and all advantages as in cases wherein costs are by law given to defendants.

Publick act.

XIX. And be it further enacted, That this act shall be taken and allowed as a publick act, of which all courts and justices are required to take notice, without special pleading the same.

C A P. XXIV.

An act for preventing frauds and abuses in the dying trade.

WHEREAS divers persons within this realm, using the mystery or craft of dyers, have of late used and exercised false and deceitful ways in dying bays and other woollen goods black, without using woad, indigo or mather, and for passing off such goods as true mathered blacks, (though falsely dyed as aforesaid) the corner only thereof hath been dyed red, and a red rose or other mark, for a true dyed mather black, tied up at such corner, when the rest of the said bays and woollen goods, or great part thereof, are falsely died without woad, indigo or mather as aforesaid, and such or the like deceitful practices have been and are used in dying of black cloths, bays and other woollen goods, to imitate and resemble true woaded blacks, without using any woad or indigo in the dying thereof, and a blue rose or other mark for a true woaded black hath been fixed to the corner thereof, to deceive the buyer; and whereas great deceit hath been practised in the dying of blues with logwood instead of woad and indigo, or mixed therewith, which frauds and abuses tend to the great deceit and hurt of his Majesty's subjects at home, and to the discredit and slander, as well of the merchants as of the dyers of this realm; and the woollen manufactures of this kingdom are thereby greatly disparaged in foreign parts; for redress in the premisses, may it please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if after the twenty fourth day of June one thousand seven hundred and twenty seven, any person or persons whatsoever shall, within that part of *Great Britain* called *England, Wales and Berwick upon Tweed*, dye or cause to be dyed black, or as or for black, any bays or other woollen goods, as or for mather blacks, the same not being dyed throughout with woad, indigo and mather only, without any other ingredient or mixture, giving tincture or colour, or shall dye or cause to be dyed black, or as or for black, any cloths, long ells, bays or other woollen goods, as or for woaded blacks, the same not being woaded throughout, every person offending in the premisses shall forfeit and pay for such deceitful and false mathered blacks as followeth (that is to say)

After 24 June 1727, no person to dye any black bays or woollengoods, but with woad, indigo and mather only:

Or any cloths, &c. not being woaded throughout.

Penalty.

For every long *Bocking* bays, containing seventy yards or upwards, forty four shillings.

For every *Colchester* bays or short bays, containing thirty five yards or upwards, the sum of twenty two shillings, and so in proportion for any greater or less quantity of any such bays, or of

of any other woollen goods falsly or deceitfully mathered or pretended to be mathered as aforesaid.

For every cloth falsly and deceitfully dyed black without being woaded throughout, containing forty four yards or more, the sum of forty shillings.

For every piece of bays falsly and deceitfully dyed as aforesaid, containing seventy yards or upwards, thirty shillings.

For every *Colchester* or short bays, containing thirty five yards or upwards, twelve shillings.

For every *Perpetuana* or stuff, falsly and deceitfully dyed as aforesaid, the sum of four shillings, and so in proportion for any other woollen goods falsly and deceitfully dyed, as and for woaded blacks as aforesaid.

II. And be it enacted by the authority aforesaid, That all woollen goods and manufactures which shall be truly mathered black, according to the directions of this act, shall be marked with a red rose and a blue rose, and all woollen goods and manufactures which shall be truly woaded black throughout, according to the directions of this act, shall be marked with a blue rose only; and if any person or persons whatsoever shall, after the said twenty fourth day of *June*, counterfeit or forge, or cause to be counterfeited or forged any of the said marks, or shall dye, stain, imprint or affix any such mark or marks to any of the woollen goods or manufactures aforesaid, falsly and deceitfully dyed as or for mather or woaded blacks as aforesaid, every such offender shall, for every such offence, forfeit and pay four pounds for every piece of goods to which the said mark or marks shall be affixed as aforesaid.

III. And be it enacted by the authority aforesaid, That if after the said twenty fourth day of *June* any person or persons whatsoever shall use or cause to be used, any logwood in dying of blue, every such person shall, for every such offence, forfeit and pay the sum of forty shillings for every piece of cloth so dyed, containing in length forty four yards or more, and twenty two shillings for every long piece of *Bocking* bays, containing in length seventy yards or more, and twelve shillings for every *Colchester* or short bays, containing in length thirty five yards or more, and four shillings for every *Perpetuana* or stuff, containing in length twenty four yards or more, and so in proportion for all other sorts of woollen goods dyed blue with logwood, contrary to this act.

IV. And for more effectual preventing the frauds and abuses aforesaid, and for better discovery thereof, be it further enacted by the authority aforesaid, That all persons occupying the trade, art or mystery of dying any manner of woollen cloth, stuffs or woollen manufactures whatsoever, within the city of *London* or the suburbs thereof, or within the limits of the weekly bills of mortality, or within ten miles compass of the same city, shall be subject to the examination and inspection of the incorporated company of dyers of *London*; and that it shall and may be lawful to and for the master, wardens and court of assistants of the said

Woollen goods truly mathered, to be marked with a red and blue rose, and truly woaded black, with a blue rose. Penalty for forging marks.

Penalty for using logwood in dying blue.

Dyers in London, &c. subjected to the examination of the company.

Company may appoint searchers in London, &c.

and quarter-
sessions in o-
ther places.
Searchers may
enter dyers
houses to exa-
mine cloths,
&c.

said company of dyers, by writing or writings, or under their common seal, to appoint honest and skilful persons to be searchers within the limits aforesaid; and out of the limits aforesaid, it shall and may be lawful for the justices of the peace at their general or quarter-sessions of the peace for any county, city, town or place, to appoint such searchers; and it shall or may be lawful for all or any such searchers so to be appointed by the said company of dyers, or by the justices of the peace as aforesaid, taking to his or their assistance a constable or other peace-officer of the place (who is and are hereby required to be aiding and assisting in the premises) at all seasonable and convenient times in the day-time, to enter into the shop, warehouse or workhouse of any person or persons, or company or corporation whatsoever, using or exercising the trade, art or mystery of dying, or into the shop, warehouse or workhouse of any other person concerned in the dying of any such woollen goods as aforesaid, or in the making or fixing such marks to the same as aforesaid, to search and examine all or any cloths, bays, stuffs and other woollen goods dyed or to be dyed black or blue, and if any person or persons shall oppose, hinder or refuse such search, every such offender shall, for every such offence, forfeit and pay ten pounds.

Penalties how
to be recover-
ed,

V. And it enacted by the authority aforesaid, That all offences against this act, where the penalties or forfeitures shall exceed the sum of five pounds, shall or may be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection or wager of law shall be granted or allowed, nor any more than one imparlance; and in cases where the penalties and forfeitures shall not exceed the sum of five pounds, the matter of the offence shall or may be examined, heard and determined by two or more justices of the peace for the county, city, town or place where the offence shall be committed (such justices not being concerned in the matter of the said complaint) which examination shall be upon oath of one or more credible witnesses or witnesses, which oath such justices are hereby empowered and required to administer; and all penalties and forfeitures which shall happen by virtue of this act, shall, within the city of *London* and suburbs thereof, and within ten miles distance of the same, go and be, the one moiety to the informer or informers, and the other moiety to the said company of dyers; and beyond such compass, the whole of such penalties and forfeitures shall go and be to the informer or informers, and prosecutor or prosecutors; and in case any offender shall neglect or refuse to pay any of the said penalties or forfeitures, where the same shall not exceed the sum of five pounds, by the space of twenty days after the conviction of such offender, that then it shall and may be lawful to and for the justices of the peace, before whom such conviction was had, and such justices are hereby required to issue their warrant or warrants under their hands and seals to the constable or constables of the ward, precinct, parish,

and how to
be distributed.

Distress for
nonpayment.

parish, town or place where such offenders shall inhabit, or can be found (within the limits of his or their jurisdiction) to levy the same by distress and sale of the offender's goods, returning the overplus (if any be) to the owner or owners; and where no sufficient distress can be found, to commit the offender and offenders to the house of correction, there to be kept to hard labour for such time as the justices of the peace, before whom such conviction shall be had, shall think fit, not exceeding three months.

VI. Provided, That all prosecutions for offences against this act shall be commenced within forty days next after the offence committed or discovered, and shall be prosecuted with effect, and without wilful delay; and if any person or persons shall find him or themselves aggrieved by the judgment or order of any of the said justices of the peace, such person or persons may appeal to the justices of the peace at the next general quarter-sessions to be held for the county, city, town or place where the offence shall be committed, giving reasonable and sufficient notice of such appeal, and the judgment and determination of the justices at such general quarter-sessions shall be final; and they have hereby power, upon such appeal, to allow such reasonable costs and charges to either party as they shall think just, to be levied and paid in such manner, as is usual in other cases of appeal from orders of justices of the peace to the general quarter-sessions.

Prosecutions to commence within 40 days.

Appeal to quarter-sessions.

VII. And be it enacted by the authority aforesaid, That if any action or suit shall be commenced or prosecuted against any person or persons for any thing he or they shall do in pursuance of this act, or in the execution of any of the powers thereby granted, all and every person and persons so sued may plead the general issue, and give this act and the special matter in evidence; and if the plaintiffs or prosecutors shall become nonsuited, or forbear prosecution, or suffer discontinuance, or a verdict shall be given against him or them, or judgment upon demurrer, the defendant or defendants shall recover his and their treble costs, for which he and they shall have like remedy as in cases where costs by law are given to defendants; and this act shall be taken and allowed as a publick act in all courts and places within this kingdom, and all judges, justices and others, are hereby required to take notice thereof as such, without special pleading of the same.

General issue.

CAP. XXV.

An act for the free importation of cochineal, during the time therein limited.

WHEREAS cochineal of the growth of the Spanish West-Indies, is of principal use in dying cloth, and other the woollen manufactures of this kingdom, of scarlet, purple and other colours, called grain colours, to the great improvement thereof, by which great numbers of his Majesty's subjects are employed in finishing and perfecting such woollen manufactures; and whereas such cochineal, by the law, in being, cannot be imported but from Spain, or the places

Revised by
7 Geo. 2. c. 18.
and continued by
20 Geo. 2. c. 47.
to 1 June 1754.
by &c.

of

of its growth, and British ships are not at present admitted into the ports of Spain, and the territories thereunto belonging, so that this kingdom is not likely to be furnished with a sufficient quantity of cochineal for the necessary service thereof, unless some provision be made for the free importing of the same, during the interruption of the commerce with Spain, whereby great quantities of cloths, and other woollen manufactures of this kingdom, are like to remain white in the makers and merchants hands, for want of cochineal to dye the same into grain colours for exportation; and whereas in several parts of Europe cochineal is now sold at much cheaper rates than in this kingdom, and it is now used abroad in dying foreign manufactures, at lower prices than his Majesty's subjects can dye the manufactures of this kingdom therewith, to the great encouragement of foreign woollen manufactures, the great prejudice of the woollen manufactures of this kingdom, and impoverishment of many of his Majesty's subjects employed therein: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twentieth day of May one thousand seven hundred and twenty seven, during the space of six months, and to the end of the then next session of parliament, it shall and may be lawful to and for any person or persons to import and bring cochineal into this kingdom, in any ship or ships, vessel or vessels belonging to Great Britain, or to any kingdom or state in amity with his Majesty, from any port or place whatsoever; any act or acts of parliament to the contrary in any wise notwithstanding.

After 20 May 1727, for six months, and to the end of the next session of parliament, cochineal may be imported free.

C A P. XXVI.

An act for better regulation of the linen and hempen manufactures in that part of Great Britain called Scotland.

See 24 Geo. 2. c. 31.

WHEREAS the advancement of the linen and hempen manufactures in that part of the united kingdom called Scotland (which are now under great discouragements) will not only employ great numbers of poor, but will be a general good to the united kingdom, by adding to the wealth of the realm; and whereas several frauds and abuses are daily committed in the said manufactures, whereby the growth of flax and hemp within that part of the united kingdom is discouraged, the credit of the said manufacture destroyed, and the demand for the same lessened, for want of proper laws and regulations for that purpose: to the end therefore that these frauds and abuses may for the future be prevented, and that the manufactures may be encouraged, and the credit thereof raised; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of November which shall be in the year of our Lord one thousand seven hundred and twenty seven, no person or persons shall import or cause to be imported into any port or place in that part of the united kingdom called Scotland, any bad, mixed or damnified lintseed or hempseed,

After 1 Nov. 1727, no bad lintseed or hempseed to be imported into Scotland.

seed, but that from and from and after the said first day of *November*, all lintseed or hempseed that shall be imported into any part of *Scotland*, of the growth of the *Netherlands*, *Russia*, *Livonia*, *Poland*, *Germany* or other places, shall be fresh, good and clean, without mixture.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *November* no person or persons shall vend, sell or expose to sale, within any port or place in *Scotland*, any mixed or damnified lintseed or hempseed, or any lintseed commonly called or known by the name of short lintseed; and that no person or persons do presume to mix or cause to be mixed different parcels of lintseed or hempseed of different countries or growths together; and that from and after the said first day of *November* every person who shall sell or vend any parcel or parcels of lintseed or hempseed within any part or place of that part of the united kingdom called *Scotland*, shall, together with the said parcel or parcels, deliver to the buyer, in writing, a particular account of the parcel of lintseed or hempseed sold by him, expressing the quantity thereof, the place from whence the same was imported, and where it grew, and the year of its growth, to the end if that the seller shall have been guilty of any fraud, he may be the more easily convicted, and subjected to the penalties herein after expressed.

III. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, all and every person and persons, who shall sell or expose to sale, bad, short or damnified lintseed or hempseed, or who shall mix what is left of the lintseed or hempseed of the former year with what is imported in a subsequent year, or shall mix different parcels of lintseed or hempseed together, or who shall sell lintseed or hempseed of a different growth or age from what he, she or they have expressed at the sale, in the account to be given in writing as aforesaid, contrary to the true intent and meaning of this act, shall, upon being duly convicted thereof in manner hereafter mentioned, for every such offence, forfeit the said lintseed or hempseed so sold or exposed to sale, or the price thereof, and likewise a sum not exceeding five pounds sterling, nor less than fifty shillings for every hoghead of lintseed or hempseed so sold or exposed to sale, and so proportionably for every greater or lesser quantity; and all and every person and persons who shall sell or vend any lintseed or hempseed by any other measure than the *Linlithgow* measure streaked, and the fractions thereof, shall forfeit for every such offence, the measure used by him, her or them, and a sum not exceeding forty shillings sterling, to be levied and recovered in manner herein after particularly described.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *November* no hemp or lint within that part of *Great Britain* called *Scotland*, shall be steeped or watered in any boghole, peat, moss or turf-pit; and that no lint or hemp shall be steeped or watered for two years successively, in any standing pool, or in any hole or pit with standing water, unless such hole or pit is dug near to the side of

No damnified lintseed to be sold in Scotland, nor parcels of different countries.

Seller to give an account of the parcel.

Penalty for selling bad lintseed, &c.

Penalty for bad steeping hemp or lint.

a running river or rivulet, from whence the said pool, hole or pit may be frequently supplied with fresh water; and all and every person and persons, steeping lint or hemp contrary to the true intent and meaning hereof, shall for every such offence, being thereof duly convicted in manner hereafter directed, forfeit such lint or hemp, to be levied and recovered in manner herein after mentioned.

Penalty for selling lint or hemp yarn irregularly made up.

V. *And whereas great frauds are frequently committed in the spinning and reeling of linen yarn, to the great prejudice of the linen manufacture,* be it enacted by the authority aforesaid, That from and after the said first day of *November* no person or persons whatsoever shall sell or expose to sale, or import into *Scotland*, or carry or transport from any one part of *Scotland* to another, any linen yarn, other than such as is made up into cuts, and hests or hanks, each hest or hank consisting of twelve cuts, and no more, and each cut containing one hundred and twenty threads, all exactly numbered, and no more; and that all the yarn contained in the said hest or hank be lint-yarn only, or tow-yarn only, and of the same colour and fineness; and that no tow-yarn and lint-yarn be mixed together in one and the same hest or hank, and that the same be tied up with a piece of pack-thread, and not yarn; and that the said yarn be well reeled, and each cut and hest or hank be separated, as the same shall be reeled, and not afterwards; and that from and after the said first day of *November* the uniform standard reel of *Scotland* shall be two yards and half, or ninety inches in circumference; and that all and every person and persons who after the said first day of *November* shall sell or expose to sale, or carry or transport from one part in *Scotland* to another, any lint or hemp yarn, made up in another manner than as aforesaid, contrary to the true intent and meaning of this act, and shall be thereof convicted as herein after is mentioned, shall forfeit the hest or hank made up of fewer cuts than twelve, or in which any cut shall be falsely made up, to him, her or them, who shall inform and prosecute the same with effect.

Magistrates may destroy reels other than yard and an half in circumference.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace or magistrate, within any burrough, or to and for any person or persons lawfully authorized, by warrant under the hand of such justice of peace or magistrate, to enter into any house or houses, the doors thereof being open, at all times of the day; and if any reel or reels be there found, other than two yards and an half, or ninety inches in circumference, the same shall and may be carried before such justice of the peace or magistrate within any burgh; and the said justice of the peace or magistrate shall and may, and are hereby authorized and required to break, burn and utterly destroy the same.

Officers may enter into warehouses, &c. and seize

VII. And be it further enacted by the authority aforesaid, That from and after the said first day of *November* it shall and may be lawful to and for the respective officers herein after named, or any of them, from time to time, and at all times by

by day, to enter into all and every warehouses, storehouses, rooms, shops, cellars, vaults and other places made use of for keeping or making any linen yarn, and seize and carry away all such linen yarn, as they shall then and there find made up contrary to the direction herein before mentioned, and detain the same till it shall be tried whether such yarn was made up according to the directions of this act; and the same is hereby directed to be tried in the same way and manner, and under the same penalties as herein after directed concerning linen cloth seized as made up contrary to the directions of this act; and if any person or persons whatsoever shall let, obstruct or hinder any of the said officers from entering such places, or in seizing and carrying away such linen yarn, the person or persons offending herein shall for every such offence forfeit the sum of five pounds sterling, to be recovered as is herein after mentioned.

linen yarn made up contrary to the act.

Penalty for obstructing officer.

VIII. And for the better encouragement and advancement of the trade, art or mystery of weaving and making of linen cloth, agreeable to the directions of this act; be it further enacted by the authority aforesaid, That from and after the said first day of *November* no weaver shall set up for himself, as master weaver, until he give security before one or more justice or justices of the peace, or magistrate or magistrates, within any burrough, under such penalties as the said justice or magistrate shall think fit, that neither he, nor any person or persons to be employed by him, shall weave any linen cloth for sale, otherwise than according to the rules and directions prescribed by this act; and if any person or persons shall set up for him or themselves, as master weavers, without giving such security as aforesaid, he or they being duly thereof convicted, in manner herein after mentioned, shall forfeit for every webb or piece of linen cloth (so wrought or wove by him or them, or any employed by them) the said webb, piece or pieces of cloth, or the value thereof, for the benefit of the informer, and shall further forfeit the sum of five pounds, to be recovered in manner herein after mentioned.

No weaver to set up before security given, not to weave contrary to this act.

Penalty for setting up without security.

IX. And be it further enacted by the authority aforesaid, That from and after the said first day of *November* every weaver of linen cloth of any kind, shall make all the warp of every piece of linen cloth, of equal fineness, and the woof likewise all of one fineness, and proportionable to the warp; and that every piece of linen cloth shall be of equal fineness and thickness throughout the whole piece; and that no part of the same piece be coarser or thinner than the other, and that no weaver shall put lint-yarn and tow-yarn in the same piece; and if any weaver shall, from and after the said first day of *November*, weave or cause to be weaved, any piece or webb of linen cloth contrary to the directions aforesaid, every such weaver being thereof lawfully convicted, in such manner as is herein after mentioned, shall forfeit the security by him given as aforesaid, or so much thereof as the justice of the peace or magistrate,

Penalty on weavers working deceitfully.

within any burgh, before whom he shall be convicted, shall think fit to modify and direct, and shall be disabled to carry on his trade as a weaver, until he renew his security in manner before directed.

Penalty on weavers not weaving as contracted for, or imbeziling.

X. And be it further enacted by the authority aforesaid, That if any weaver shall neglect to weave any linen yarn, delivered to him by any person or persons, into such cloth, and within such time, and in such manner as was contracted and agreed for, or shall waste, imbezil or damnify, or suffer to be wasted, imbeziled or damnified any linen yarn, delivered to him, such weaver being thereof convicted in such manner as is here after mentioned, shall for every such offence make good the party's damage, and shall further forfeit and pay to the person aggrieved a sum, not exceeding forty shillings sterling, nor less than five shillings sterling, to be recovered in such manner as is herein after mentioned.

The standard lengths and breadths of linen cloth.

XI. *And whereas great prejudice arises to the linen manufacture, by reason that the persons who deal therein, make their cloths of such lengths and breadths, for which there is no great demand, either at home or abroad; for preventing thereof, be it enacted by the authority aforesaid, That from and after the said first day of November* all linen cloth of any kind, that shall be made in *Scotland*, shall and is hereby directed to be made and measured by the standard yard-wand, and of the several lengths and breadths following: *viz.* each piece of plain linen, intended to be whitened, shall be in breadth, when whitened, full half-yard, or full five eighths, or full three quarters, or full seven eighths, or full yard, or full yard and eighth, or full yard and quarter, or full yard and half; and that all brown or green linen, not intended to be whitened, made after the said first day of *November*, shall be in breadth full half-yard, or full five eighths, or full three quarters, or full seven eighths, or full yard, or full yard and quarter, or full yard and half; and that each piece of plain linen cloth that is whitened, shall contain in length, at least twelve yards and an half; that all striped linen cloth shall be in breadth full three quarters of a yard, or full seven eighths, or full yard, or full yard and eighth, or full yard and quarter; and all sorts of ticking shall be in breadth full five eighths, or full three quarters, or full seven eighths, or full yard; and all checks shall be in breadth full three quarters, or full seven eighths, or full yard, or full yard and eighth; and all chequered handkerchiefs made of linen only, or of linen and cotton, or of cotton only, shall be in breadth full half-yard, or full five eighths, or full three quarters, or full seven eighths, and shall be of the same length with the breadth, that they may be square; and that all striped, plain, dropped or spotted muslin, when whitened, shall be in breadth full three quarters, or full seven eighths, or full yard, or full yard and eighth, or full yard and quarter, or full yard and an half; and that all cambricks, when whitened, shall be in breadth full five eighths, or full three quarters, or full seven eighths, or full yard, and shall not contain less

less in length, in each piece, than seven yards and an half; and all muslins made for aprons, when whitened, shall be full yard and eighth in breadth, and the same in length; and all muslin handkerchiefs, when whitened, shall be full three quarters, or full seven eighths in breadth, and the same in length; and all muslin for neckcloths or cravats shall, when whitened, be in breadth full half-yard, or full five eighths, and in length full three quarters, or full yard and half of made cloth; and all sorts of bengals made of cotton and linen shall be in breadth full five eighths, or full three quarters, or full seven eighths, or full yard, or full yard and sixteenth, or full yard and eighth, or full yard and quarter; and that each piece of broad, double or single dornick or diaper, made for table-cloths, shall be full two yards, or full two yards and quarter in breadth; and each piece of double or single dornick or diaper, made for table-napkins or towelling, shall be in breadth full half-yard, or full five eighths, or full three quarters, or full seven eighths, or full yard; and that all dyed yarn, that shall be wrought into any chequered linen or handkerchiefs, tickings or bengals, shall be of a sufficient dye that will hold in washing.

XII. And be it further enacted by the authority aforesaid, That when any person or persons shall offer any cloth to be inspected and stamped in manner herein after directed, the stamp-master or lapper that shall be appointed for that purpose, in such manner as hereafter is mentioned, shall, after inspecting the cloth, measure the same, and mark upon each end thereof the just length or number of yards each piece contains, and shall likewise mark upon each end of the piece the breadth of such piece he shall find upon measuring thereof; and if any piece, which shall be offered to be stamped as of five eighths of a yard broad, comes short of that breadth in any part of such piece, that then the said piece of cloth shall be marked as of the next lower denomination, *videlicet*, half-yard, and so of all the other breadths herein mentioned.

Stamp-master
to mark the
just lengths
and breadths
of pieces.

XIII. And to the intent that every buyer of plain, brown or white linen cloth, may the easier discover and judge of the goodness, quality and value thereof, and may know the exact number of threads in the breadth or warp thereof, be it further enacted by the authority aforesaid, That from and after the said first day of *November* every weaver shall at the end of every such piece of cloth, which he shall weave or cause to be weaved, or cause to be run, a coarse coloured thread through every two hundred threads of the warp, of the said cloth, so as to distinguish the number of hundreds of threads in the breadth of the said cloth, and also another coarse coloured thread as aforesaid within a quarter of an inch of the former, in like manner through every forty threads of the warp of the said cloth, so as to distinguish the number of biers or scores of threads in the breadth of the said cloth; and in case any weaver shall omit to weave or cause to be weaved, such threads as aforesaid, or shall so mark his cloth with a coloured thread, as to make

Weaver to run
a coarse thread
through every
200 threads of
the warp, and
another
through every
40 threads of
the warp, at
the ends.

it appear to contain more threads in the breadth, than it really does, he shall for every such offence, being thereof convicted in manner after mentioned, forfeit a sum not more than five pounds, nor less than twenty shillings, to the use of the informer, to be levied and recovered in such manner as is herein after mentioned.

Penalty for using lime, pigeons dung, &c. for bleaching of linen.

XIV. *And whereas several persons have of late years made use of lime, pigeons dung, sope-dregs, or other improper materials for whitening or bleaching of linen cloth, to the great prejudice of such cloth, and to the discredit of the linen manufacture; for preventing such practices for the future, be it further enacted by the authority aforesaid, That from and after the said first day of November no person or persons shall make use of any lime, pigeons dung or sope-dregs, for bleaching or whitening any linen cloth or linen yarn, and that all and every person and persons using any lime, pigeons dung or sope-dregs, for bleaching or whitening any linen cloth or linen yarn, shall, being thereof duly convicted in such manner as herein is after mentioned, for every such offence, forfeit to the informer the said linen cloth or linen yarn, so whitened or bleached with lime, pigeons dung or sope-dregs, and shall also forfeit the sum of five pounds sterling to the use of the informer; and in case the linen cloth or linen yarn, so whitened contrary to the directions of this act, shall not be found, it shall and may be lawful to and for the justice of peace or magistrate within any borough, before whom such complaint shall be made, to set a further fine upon the offender at his discretion, not exceeding the sum of five pounds sterling, to be raised and levied, together with the former penalty of five pounds, in such manner as herein is after directed, and the offender shall also be, and is hereby made incapable to bleach or whiten any linen cloth or linen yarn, for the space of two years after such conviction as aforesaid.*

Magistrates may summon servants of bleachers, and examine them on oath.

XV. *And whereas the improvement of the said linen manufacture depends very much upon putting an end to this pernicious practice, and in preventing the mixing and selling of damnified hempseed or lintseed, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more of his Majesty's justices of the peace, or any magistrate or magistrates within any borough, within their respective jurisdictions, by a writing under his or their hands, to summon the servant of any bleacher or dealer in hempseed or lintseed, or any other person or persons whatsoever, to appear before him or them, and upon his or their appearance to examine him or them upon oath (which oath the said justice or justices of the peace, or magistrate or magistrates within any borough as aforesaid, is and are hereby impowered to administer) what such servants, person or persons, know of his or their master, or of any other person or persons using of lime, pigeons dung or sope-dregs, in the bleaching of linen cloth or linen yarn, during three months immediately preceding such examination, or of their mixing different parcels of hempseed or lintseed together, or of their uttering,*

uttering, vending or selling, or exposing or offering to sale, hempseed or lintseed as of a different growth, or as imported from a different country from what it really is or was; and in case such servant, person or persons, being so summoned, shall neglect or refuse to appear pursuant to such summons, such justice or justices of the peace, magistrate or magistrates within any borough, may issue his or their warrants to apprehend or bring before him or them such servant, person or persons; and in case he, she or they, shall appear and refuse to be examined, or answer upon oath to the purpose aforesaid, it shall and may be lawful to and for such justice and justices of the peace, or magistrate or magistrates within any borough, to commit such offender or offenders to the next adjacent gaol or tollbooth, there to remain until he or they submit to be examined as aforesaid, the person desiring or demanding such oath to be tendered and administered to such servant or other person, first making oath (if the same shall be required) that he or she believes the person whom he or she desires may be examined upon oath, knoweth and can discover some breach of this present act committed, in the matters aforesaid, if such servant or other person be obliged to take such oath: provided nevertheless, and it is hereby declared, that such servant or person shall not forfeit or be liable to any punishment for any matter or thing relating to the crime which he shall, upon such his examination, discover.

Penalty on servants not appearing on summons.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all and every person and persons, appointed by the trustees for improving the hempen and flaxen manufactures herein after mentioned, or by any of his Majesty's justices of the peace or magistrates within any borough, by writing under his or their hands to enter into any bleachyard, buckhouse or the appurtenances or places thereunto belonging, at any hour of the day, and view and search all places, rooms, receives and boilers therein, and view the lees, and refuse, and dregs thereof; and in case any lime, pigeons dung or sope-dregs, is or has been mixed with such lees, that the possessors of such bleachyard, bleach-house or places thereunto belonging, and all and every person and persons working in the said bleachyard, buckhouse or places thereunto belonging, contrary to the true intent and meaning of this act, shall incur the several penalties by this act inflicted on persons that make use of lime, pigeons dung or sope-dregs, in bleaching linen cloth or yarn, to be levied and recovered as those penalties are severally to be levied and recovered.

Persons appointed may enter into bleachyards, &c. to search.

XVII. And be it further enacted by the authority aforesaid, That the constable or constables, who by virtue of any warrant from such justice of the peace, and magistrate within any borough, shall seize such cloth or yarn, bleached with such lime, pigeons dung or sope-dregs, or levy the value thereof, or the penalties in this act mentioned, shall be allowed by the prosecutor for his pains, at and after the rate of two shillings in the pound, for

Constables who shall seize cloth bleached with lime, &c. to have 2 s. per pound.

Refusing to execute a warrant shall forfeit 5 l.

what he shall so seize or levy; and if any constable or constables neglect or refuse to execute any such warrant of any justice of peace or magistrate within any borough, he or they for every such offence, being thereof convicted as herein after mentioned, shall forfeit the sum of five pounds sterling to the prosecutor; and it shall and may be lawful to and for the person aggrieved to complain thereof to the same justice or magistrate within any borough, or to any other justice of the peace or magistrate aforesaid, who is hereby impowered and required to summon the person or persons concerned before him, and summarily to hear and determine the said complaint, and issue a warrant to any constable or constables to levy the said penalty of five pounds sterling, in such manner as is herein after mentioned.

His Majesty may appoint trustees for overseeing the linen and hempen trade.

XVIII. And to the end the several orders and regulations, made pursuant to this act, for the improvement of the linen and hempen manufactures may be effectual, and carried into a due and regular execution, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, by letters patents under the great seal appointed by the treaty of *Union* to be kept in *Scotland* in place of the great seal thereof, to nominate and appoint any number of persons resident in *Scotland*, not exceeding the number of twenty one, to be trustees for overseeing, directing and better improving the said linen and hempen manufactures, within that part of *Great Britain* called *Scotland*, with power to the said trustees, or any number of them by the said letters patents to be determined, to assemble at such place or places, and to make such rules and orders for the improvement of the said manufactures, and for preventing abuses therein, as they shall think expedient, consistent with the true intent and meaning of this act, and with the laws and statutes of the realm.

Trustees may appoint persons to lap up cloth for sale.

XIX. And for the better promoting the said manufacture, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees to licence and appoint such fit and proper persons, in such places of *Scotland*, as they shall judge most convenient, to view, examine, lap up, mark and stamp all such linen cloth, as shall be exposed to sale, as is herein after mentioned, and from time to time, to direct such stamp or stamps to be made use of, as they shall think proper.

Dealers in cloth to carry it to the lapper to be stamped.

XX. And be it further enacted by the authority aforesaid, That all dealers in linen cloth, before he, she or they, shall sell or expose to sale, any linen cloth (if the same be white cloth, as soon as the same is fully whitened and dyed) carry the same in the waterfold of a yard or half-yard in length, to the place where such lapper or stamp-master, so to be named and appointed, shall reside, there to be inspected, marked, lapped up and stamped by him, in such manner as is herein after directed; and if the said lapper or stamp-master shall find such piece or pieces of cloth, so offered to him to be marked, lapped up and stamped, to be of an equal breadth from one end of the piece

to the other, and to be of equal fineness and thickness throughout the whole piece, and to have two coarse coloured threads wove in the end of the piece, as is before directed, and that the number of threads in the warp agrees with the number marked by the said two coloured threads, and to be wrought and whitened in all respects pursuant to the rules and orders for regulating the linen manufacture, then, and not otherwise, such person and persons licensed to be lappers and stamp-masters as aforesaid, shall and may, upon both ends of each piece, affix, a seal or stamp with the name of the lapper and county in which he resides, or such other impression as the said trustees shall from time to time think fit to appoint; and shall likewise upon each end of the piece mark the breadth of it, and the exact number of yards it contains, and thereafter shall lap up the same; for all which such lapper or stamp-master shall and may demand and take, for each forty yards of linen cloth not exceeding ten pence sterling, *per* yard in value, the sum of one penny sterling and no more; and for each forty yards of any linen cloth of any kind, of a higher value, the sum of two pence sterling and no more, and so in proportion for a greater or lesser quantity; but if he be employed to beetle the same, then he may demand and take one penny more for each forty yards of cloth so bectled by him, and so in proportion for a greater or lesser quantity; and in case any dispute shall arise betwixt the stamp-master and the proprietor of any cloth, offered to be stamped, about the value thereof, if the proprietor insist that his cloth is of no higher value than ten pence *per* yard, and to have it stamped as of that price, in that case it shall and may be lawful for such stamp-master to buy and take the said cloth himself, at the rate of ten pence *per* yard, and to pay the proprietor for the same at that rate, otherwise, if the stamp-master refuse to take and pay for the cloth at the rate of ten pence *per* yard, he shall be obliged to stamp the same as of that value, provided the cloth be made according to the rules and directions before prescribed by this act.

XXI. And be it further enacted by the authority aforesaid, That no person or persons shall sell or expose to sale any sort of manufacture made of linen yarn, till the same shall be brought to the said lapper or stamp-master, and by him viewed and inspected; and if such lapper or stamp-master shall find that the same is made according to the several rules and directions in this act before mentioned, he shall measure, mark, stamp and lap up the same as before directed, and that within twenty-four hours at farthest after the same shall be offered to be inspected, marked and stamped as aforesaid; and if any lapper or stamp-master, to be licensed as aforesaid, shall mark, seal or stamp any piece or pieces of cloth that is not made according to the several rules and directions before mentioned, or shall mark on the same a greater number of yards than each piece containeth in length, or shall mark the same as of a greater breadth than it really is, or commit any other offence in relation to the premises, such lapper or stamp-master so offending, being thereof

Lapper to affix a seal to the cloth.

Lapper's fee.

No linen to be sold before it be brought to the lapper.

Penalty on lapper offending.

duly convicted in such manner as is herein after mentioned, shall make good the damages to the party who bought the cloth on the credit of the stamp, and shall likewise forfeit the sum of five pounds sterling for every insufficient piece of cloth so stamped or wrong marked as aforesaid, for the use of the informer and prosecutor, to be levied in such manner as is after mentioned, and shall be dismissed from his office as lapper or stamp-master, and rendered incapable of serving in any such office for the future.

Penalty for exposing to sale cloth not stamped.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall sell, expose to sale or pack up for sale, or in order to be sent or carried by land or water, or enter for exportation by sea any linen cloth, not being stamped and marked as aforesaid, such person or persons so offending, being thereof duly convicted, as is herein after mentioned, shall forfeit the sum of five pounds for each piece of cloth so sold, exposed to sale, or packed up for sale, or in order to be sent or carried by land or water, or entred for exportation as aforesaid; which said penalty of five pounds shall be raised and levied in such manner as is after mentioned.

Penalty on the buyer.

XXIII. And be it also further enacted by the authority aforesaid, That all and every person and persons, who shall from and after the said first day of *November* buy any linen cloth of the manufacture of *Scotland*, not being marked and stamped as aforesaid, shall forfeit for every such piece of cloth so bought, the sum of five pounds sterling, to be paid to the informer, and levied in the same manner as the penalties hereby directed to be levied, upon all and every person and persons selling and exposing to sale any linen cloth not duly marked and stamped as aforesaid.

Persons authorized may search all warehouses for cloth not stamped.

XXIV. And for the more effectual preventing the selling or exposing to sale any linen not duly marked and stamped, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all and every person and persons, duly authorized and empowered by the said trustees or any five or more of them, by writing under their hands and seals for that purpose, or by a warrant under the hand and seal of one or more justice or justices of the peace, or of any magistrate within any borough, to search in the day-time all warehouses, shops, cellars or other places, where they have reason to suspect or apprehend there are any piece or pieces of cloth not duly marked and stamped as aforesaid; and to open any pack or packs where they suspect or apprehend any cloth to be packed up not duly marked and stamped as aforesaid; and if any piece or pieces of linen cloth shall be found not stamped and marked as aforesaid, it shall and may be lawful to and for the said person or persons so searching to seize and bring the same before the next justice of peace, or magistrate within any borough, who are hereby empowered and required to declare the same to be forfeited to and for the use of the person or persons making such seizure, and to impose a fine or fines upon the possessors or owners of the

the warehouse, cellar or shop, where such linen shall be found, or upon the person or persons who packed or caused to be packed up such linen, not exceeding five pounds sterling, for the use of the informer or informers, to be levied in such manner as is herein after mentioned.

XXV. And be it further enacted by the authority aforesaid, Penalty for counterfeiting the stamps. That if any person or persons shall counterfeit any seal or stamp made in pursuance of this act, he, she or they so counterfeiting the same, and being thereof lawfully convicted before the court of judicatory at *Edinburgh*, or in the circuits, shall suffer and incur the same pains and penalties as persons by the law of *Scotland* convicted of forgery suffer.

XXVI. And be it further enacted by the authority aforesaid, Penalty for lapping up cloth wet or with chalk, &c. That from and after the said first day of *November* no linen cloth shall be made and lapped up for sale when it is wet or damp, nor with any chalk, dust or flour, and that all and every person or persons who shall make up or lap up linen cloth for sale, when it is wet or damp, or shall make up any linen cloth with any chalk, dust or flour, shall, being thereof convicted in such manner as is herein after mentioned, forfeit every such piece of cloth for the benefit of the informer.

XXVII. And be it further enacted by the authority aforesaid, Lapper to detain cloth not merchantable. That when any piece of linen cloth or any sort of manufacture made of linen yarn, shall be brought to any lapper or stamp-master so licensed as aforesaid, in order to be inspected and stamped as aforesaid, and if such lapper or stamp-master shall be of opinion and think the same is not sufficient merchantable cloth, and made according to the rules before prescribed, in that case it shall and may be lawful to and for every such lapper and stamp-master to detain the same, till such time as it may be tried and determined how far the same is proper to be marked and stamped; and that every such lapper and stamp-master shall be obliged, and is hereby required and directed, upon request made to him by the owner or owners of the said cloth, within twenty-four hours at farthest, after such cloth shall be so seized and detained, to apply to one or more justice or justices of the peace, or to any magistrate within any borough within their respective jurisdictions; and that such justice or justices of the peace, or magistrate shall, and he and they are hereby directed and impowered forthwith to direct two or more fit and proper persons conversant and skilled in such manufacture, to inspect and view the cloth so seized and detained, and upon oath, which oath the said justice or justices of the peace or magistrates as aforesaid, is and are hereby impowered and required to administer, to report their opinion of the said cloth; and if such persons so appointed shall, upon oath to be administered as aforesaid, report to such justice or justices of the peace or magistrates as aforesaid, that the said cloth is not sufficient merchantable cloth, nor made according to the laws for regulating the same, the said cloth shall be adjudged forfeited, and cut into several pieces, as is herein after mentioned, and delivered to the stamp-Two fit persons to report their opinions thereon on oath. master

master or lapper for his own use, and the owner or owners thereof shall forfeit and incur the penalties in and by this act before laid and imposed upon such persons, as shall make cloth contrary to the rules herein before prescribed; but if the said persons so to be named as aforesaid shall report that the cloth is duly and regularly made as it ought to be, then and in such case the said lapper or stamp-master shall be obliged and is hereby required forthwith to mark, stamp and lap up the same in such manner as is herein before directed, and that without taking any fee, gratuity or reward for so doing; any thing in this or any former act of parliament to the contrary notwithstanding.

Magistrates condemning cloth to be forfeited, to order it to be cut.

XXVIII. And be it further enacted by the authority aforesaid, That when any justice or justices of the peace, magistrate or magistrates within any borough, shall condemn or adjudge any linen cloth, brought before him or them, to be forfeited, for not being made according to the law in that case made and provided, such justice or justices, magistrate or magistrates, before he or they shall deliver the same to the informer, shall and may order and cause such cloth to be cut and severed into several parts and pieces, and that none of the said parts or pieces do exceed six yards in length.

Trustees to give names to cloth of different sorts.

XXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said trustees so to be appointed as aforesaid, or any five or more of them, to give such particular names or denominations as they shall think proper, to the several pieces of cloth of different sorts, breadths and lengths, so as that they may by such names be easily distinguished of what sort, length and breadth they are; and it shall and may be lawful to all and every person and persons selling or exposing any linen cloth to sale, to affix a label of parchment to each piece of cloth, containing the name of the particular species of the cloth, with the length and breadth thereof.

Trader may weave his name on the cloth,

XXX. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for every trader, dealer and weaver of linen manufacture, to weave his name, or fix some known mark, in any piece of linen manufacture by him made, if he shall so think fit; and if any other person or persons shall counterfeit such mark or name, being thereof lawfully convicted upon the oath of one or more credible witness or witnesses before any two or more justices of the peace, or magistrates within any borough, he shall forfeit the sum of one hundred pounds, for the use of the person, whose mark shall be so counterfeited, to be raised, levied and paid in such manner as is herein after mentioned.

Penalty for counterfeiting another's mark.

How offences against this act shall be heard.

XXXI. And be it further enacted by the authority aforesaid, That all offences against this act (except the counterfeiting the stamps or the marks of the private dealers or weavers) shall be heard and determined by any one or more justice or justices of the peace or any magistrate or magistrates within any borough, within their respective jurisdictions, who upon complaint to
him

him or them made shall, upon examination of witnesses upon oath, which oath they are respectively hereby impowered to administer, adjudge and determine the same, and issue his or their warrant or warrants to any one or more of the constables or officers, of the said county, city, borough or town, requiring and impowering him or them to poynd and distrenzie according to the practice of the law of *Scotland* in cases of poynding, so much of the offender's goods and gear, as will satisfy the several penalties incurred and forfeited, which warrant for poynding shall not be stopped or sifted by any suspension, sift or other process whatsoever, except an appeal entred in manner after mentioned; which said penalty and penalties, when so levied as aforesaid, shall belong and be paid to the informer, first deducting out of the said penalties the sum of two shillings in the pound, to be paid to the constable or officer for executing such warrant; and in case no sufficient distress can be found, that then and in every such case, it shall and may be lawful to and for such justice and justices of the peace, magistrate or magistrates within any borough, by warrant under his or their hands and seals, to commit such offender or offenders to the house of correction, or next gaol or tollbooth, for so long time as such justice or justices of the peace, or magistrate or magistrates shall think proper, not exceeding one year in the whole.

XXXII. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall find him, her or themselves aggrieved by the sentence or determination of such justice or justices of the peace, magistrate or magistrates, it shall and may be lawful to and for such person and persons so aggrieved, immediately after sentence is pronounced against him, her or them, to enter his, her or their appeal in presence of the said justice or justices of the peace, magistrate or magistrates, from the said sentence, to the determination of the justices of the peace of the said county or borough, at their next general quarter-sessions, that shall be held for the said county or borough, of which appeal the said justice or justices, magistrate or magistrates, are hereby appointed to make a minute, and by warrant under his or their hands to stop execution of the sentence so appealed from, until the end of the next quarter-sessions as aforesaid; and the said justices of the peace at their quarter-sessions are hereby impowered and required to proceed upon, and to hear and finally to determine in the said appeal, and if they give judgment against the appellant, to decree him to pay the full costs of the appeal, and further to pay a fine not exceeding double the penalty for which the original sentence was given.

XXXIII. And be it further enacted by the authority aforesaid, That if any justice or justices of the peace, or magistrate or magistrates within any borough, shall neglect or refuse to execute the powers and authorities of this act, or shall not put the same in execution, according to the true intent and meaning thereof (to the discouragement of the linen manufacture) such neglect or refusal, or malversation shall be, and be taken

Appeal to
quarter-sess-
ions.

Penalty on ma-
gistrates not
executing the
powers of this
act.

See 10 Ann.

c. 21.

12 Ann. stat. 2.

c. 20.

to 24 Geo. 2. c. 31.

to be a point of *dittay*, and it shall and may be lawful to and for the person or persons aggrieved thereby, with the approbation of the trustees to be appointed by his Majesty as aforesaid, or any five or more of them, to be signified in a certificate under their hands, to prosecute the said justice or justices of the peace, magistrate or magistrates, before the lords of the justiciary at *Edinburgh*, or in their circuits, for the district within which the offence was committed; and if the said justice or justices of peace, or magistrate or magistrates shall be thereupon convicted of such offence, it shall and may be lawful for the said lords of justiciary at *Edinburgh*, or in their circuits, to set a fine on such offending justice or justices of the peace, or magistrate or magistrates, not exceeding one hundred pounds sterling.

CAP. XXVII.

An act for continuing the laws therein mentioned, relating to copper bars exported; and for better preventing frauds committed by bankrupts; and for searching drugs and compositions for medicines.

WHEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring, may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the clause contained in an act made in the ninth and tenth years of the reign of the late King *William the Third*, intituled, *An act to settle the trade to Africa*, for allowing during a limited time, a drawback of the duties upon the exportation of copper bars imported, and which clause (after expiration thereof) was by an act of the twelfth year of her late Majesty's reign revived and continued for fourteen years, and from thence to the end of the then next session of parliament; and also the proviso in the said last act contained, being in the words following, that is to say, *provided nevertheless, and be it enacted, That no drawback shall be allowed on the exportation of any copper, but such as hath been, or shall be imported from the East-Indies, and the coast of Barbary only*, shall be and are hereby continued, from the expiration thereof, for and during the space of fourteen years, and from thence to the end of the then next session of parliament.

Clause relating to copper bars exported, continued for 14 years, &c. 9 & 10 W. 3. c. 26.
12 Ann. stat. 1. c. 18.
15 Geo. 2. c. 35.
16 Geo. 2. c. 32.

Bankrupts act continued for one year, &c. 5 Geo. 1. c. 24. E. X. P.

11 Geo. 1. c. 29.

II. And be it further enacted by the authority aforesaid, That an act made in the fifth year of his Majesty's reign, intituled, *An act for the better preventing frauds committed by bankrupts*, which act was to continue in force for seven years, from the twenty-sixth day of *May* one thousand seven hundred and sixteen, and from thence to the end of the then next session of parliament, and which by another act made in the eleventh year of his Majesty's reign was continued for one year, and from thence to the end of the then next session of parliament, shall be and is hereby continued from the expiration thereof, for and during

during the space of one year, and from thence to the end of the then next session of parliament.

III. And be it further enacted by the authority aforesaid, That an act made in the tenth year of his Majesty's reign, intituled, *An act for the better viewing, searching and examining all drugs, medicines, waters, oils, compositions used or to be used for medicines, in all places where the same shall be exposed to sale, or kept for that purpose, within the city of London, and suburbs thereof, or within seven miles circuit of the said city, which was to be in force for three years, and from thence to the end of the then next session of parliament, shall be and is hereby continued from the expiration thereof, for and during the space of three years, and from thence to the end of the then next session of parliament.*

Act for searching
drugs, &c.
continued for
three years,
&c.
10 Geo. 1. c. 20.
E X P.

C A P. XXVIII.

An act for sale of such of the forfeited estates in that part of Great Britain called Scotland, as remain unsold, and are vested in the crown; and for determining such claims on the said estates, as having been duly entered remain undetermined.

WHEREAS by an act passed in the first year of his Majesty's reign, intituled, *An act for appointing commissioners to enquire of the estates of certain traitors, and of popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally, for the use of the publick, all and every the castles, honours, lordships, manors, messuages, lands, tenements, and all other estate real and personal whatsoever within Great Britain or Ireland or elsewhere, whereof any person or persons, who since the twenty-fourth day of June one thousand seven hundred and fifteen had been attainted, or before the twenty-fourth day of June one thousand seven hundred and eighteen should be attainted by any of the laws or statutes of this realm, for high treason committed before the first day of June one thousand seven hundred and sixteen, within Great Britain or elsewhere, was, were, or should have been seised or possessed of, or interested in, or entitled unto, on the twenty-fourth day of June one thousand seven hundred and fifteen, or at any time afterwards, in his, her or their own right, were vested in his Majesty, for the use of the publick; and to the intent that the same, and the rents and profits thereof, might be known and disposed of for the use of the publick, and that the several debts and incumbrances affecting the same might be discovered and made good to the lawful creditors and claimants, certain commissioners in the act named were appointed to enquire of the estates so vested in his Majesty, and to receive the claims of all persons who, within a time limited by the said act, should exhibit their claim to any debt, incumbrance or interest whatsoever affecting the premises: and whereas by another act passed in the fourth year of his Majesty's reign, intituled, *An act for vesting the forfeited estates in Great Britain and Ireland in trustees, to be sold for the use of the publick, and for giving relief to lawful creditors, by determining claims; and for the more effectual bringing**

1 Geo. 1. stat. 1.
c. 50.

4 Geo. 1. c. 8.

bringing into the respective exchequer, the rents and profits of the said estates till sold; all and every the said castles, honours, lordships, manors, messuages, lands, tenements and other estate real and personal whatsoever, which by the aforesaid act stood vested in his Majesty, were vested in the commissioners and trustees named in the said act, and the said commissioners and trustees were impowered and required, to sell and dispose of the same for the use of the publick, in the manner and by the rules in the said act particularly described; and the said commissioners and trustees were further impowered and required to hear and determine all claims lawfully entred with them, on, out of or concerning any of the forfeited estates so vested in them; and the judgments and determinations by them to be given on such claims were to be final, unless an appeal should be entred with the said commissioners and trustees against such judgment or determination, within twenty days after the making thereof; in which case the said commissioners and trustees were required to transmit the said appeal to a court of delegates, whom by the said act his Majesty was impowered to authorize and appoint for hearing and determining all appeals made from the judgments of the said commissioners and trustees, in the manner and by the rules particularly mentioned in the said act: and whereas by a clause in an act passed in the ninth year of his Majesty's reign, for continuing the duties for the encouragement of the coinage of monies, and other purposes therein mentioned, the powers and authorities for hearing and determining of the claims on the forfeited estates, which by two acts of parliament passed in the fifth and seventh years of his Majesty's reign, were continued to the twenty-fourth day of June one thousand seven hundred and twenty-two, and from thence to the end of the next session of parliament, with respect to the commissioners and trustees acting in Scotland, were enlarged and continued to the twenty-sixth day of March one thousand seven hundred and twenty-four; and the powers granted to his Majesty for appointing courts of delegates to determine claims and cases of appeals from the said commissioners and trustees, and respecting such court of delegates in Scotland only, were enlarged and continued to the twenty-ninth day of April one thousand seven hundred and twenty-four: and whereas by another clause in the said act last mentioned it is declared that the forfeited estates in Scotland, by any former act or acts of parliament vested in the said commissioners and trustees, which on the twenty-sixth day of June one thousand seven hundred and twenty-four should remain unfold, shall be thereby divested out of the said commissioners and trustees, and vested in the King's majesty, his heirs and successors, for the use of the publick; and whereas on the said twenty-sixth day of June one thousand seven hundred and twenty-four certain of the said forfeited estates remained unfold, which are now re-vested in his Majesty for the use of the publick, and certain appeals taken against the judgments and determinations of the said commissioners and trustees remaining undecided, the term limited for the decision of the court of delegates having expired before they could regularly hear and determine those appeals, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons,

in

9 Geo. 1. c. 19.

5 Geo. 1. c. 22.

7 Geo. 1. stat. 1.
c. 22.

in this present parliament assembled, and by the authority of the same, That the barons of his Majesty's court of exchequer in *Scotland*, or any three of them, shall and are hereby impowered and required to expose to sale, and to sell to the highest bidder, the said forfeited estates, and every part of them, in the same manner, and according to the same rules that the said commissioners and trustees were to act under, and to apply the rents and profits of the said estates till sold, and the produce of them when sold, in the same manner that the said commissioners and trustees were obliged and directed to apply the same; and to do every other matter and thing in respect to the sale of the said estates, and the appointing receivers or stewards on such estates till sold, in such manner and form, and according to such rules, as the said commissioners and trustees were impowered to do.

Barons of exchequer in *Scotland* to sell the forfeited estates there, under the same rules as the commissioners were to act.

Barons to call before them purchasers who have not paid the full price. Penalty on purchaser not paying. Barons to execute indentures of bargain and sale, &c. His Majesty may appoint a court of delegates to hear appeals. All books, &c. lodged with the commissioners, to be delivered into the court of exchequer in *Scotland*, and the books of the former delegates to the new ones. Claim determin'd by the delegates for money, to be paid out of the forfeited estates in the first place. The estates subject to the feu duties to the crown. The net money to be applied as by act of parliament is directed. Company of York-Buildings not to be prejudiced. Tenants of the late earl of Seaforth acquitted from all rents from 24 June 1715. till 15 May 1725. EXP.

C A P. XXIX.

An act for allowing further time to persons on board the fleet, or beyond the seas in his Majesty's service, to qualify themselves for the legal enjoyment of offices and employments, and for indemnifying such persons as have omitted to qualify themselves within the time limited for that purpose, and for the better ascertaining such time.

WHEREAS divers of his Majesty's faithful subjects now are and may hereafter be on board the fleet, and in several countries and places beyond the seas in the service of his Majesty, his heirs or successors, at such times as it may please his Majesty, his heirs or successors, out of his or their royal grace and benevolence, to reward the services of such his subjects with offices, places and preferments, in consequence of which such officers or persons so preferred will, according to the laws now in being, be obliged to receive the sacrament, and take and subscribe the oaths, and make and subscribe the declaration directed by the laws now in force to be received, taken, made and subscribed, within the respective times limited for that purpose; the receiving, taking, making and subscribing whereof, within such times may, by reason of the great distance of such persons from the kingdom of Great Britain, be impracticable: and whereas divers others of his Majesty's subjects zealously affected to his person and government, and the protestant succession in his royal house, have through ignorance of the law, or unavoidable accidents, been prevented from receiving the sacrament, and taking the said oaths, and making and subscribing the said declaration within the times limited for that purpose, and by

mean

Further time
allowed for
persons on
board the
fleet, or be-
yond sea.
25 Car. 2. c. 2.
1 Geo. 1. c. 13.

means thereof are in danger of incurring divers penalties and disabilities; now for the making due provisions, that such of his Majesty's subjects, as are or shall be on board the fleet, or beyond the seas in the service of his Majesty, his heirs or successors, may not incur the penalties aforesaid, by reason of their continuance in such service, and for quieting the minds of others his Majesty's faithful subjects, and preventing any inconveniences that might otherwise happen by means of such omissions, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That nothing contained in one act of parliament, made in the twenty-fifth year of the reign of his late Majesty King Charles the Second, intituled, *An act for preventing dangers which may happen from popish recusants*, nor in one other act made in the first year of his present Majesty's reign, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*, shall extend or be construed to extend to any person or persons, who upon the seventeenth day of January in the year of our Lord one thousand seven hundred and twenty-six, or at any time after, was, were or shall be on board the fleet of his Majesty, his heirs or successors, or in his or their service beyond the seas at such time or times, as any office or offices, place or places, preferment or preferments, employment or employments, pay, salary, fee or wages, was, were or shall be granted, given or conferred to or upon him or them, and who by virtue of the said acts, or either of them, ought to receive the sacrament, or take the said oaths in the last mentioned act contained, and make and subscribe the declaration therein mentioned, in respect of any such office, place, preferment, employment, pay, salary, fee or wages so granted, given or conferred, or to be granted, given or conferred as aforesaid, so as such person or persons do, within three calendar months next after his or their return into Great Britain, receive the said sacrament, take and subscribe the said oaths, and make and subscribe the said declaration respectively, as the case shall require, in such manner and form, and in such place and places, as in and by the before mentioned acts respectively is directed and appointed.

So as they
quality them-
selves in three
calendar
months after
their return.

All persons heretofore on board the fleet, or beyond sea, indemnified. They are to receive the sacrament before the last day of Michaelmas term 1727. E X P.

By three
months is to be
understood
three calendar
months.
Skin. 314.

IV. And it is hereby declared and enacted by the authority aforesaid, That the space of three months, in and by the said acts herein before particularly mentioned, or either of them, or any other act or acts of parliament, limited for receiving the said sacrament, taking and subscribing the said oaths, or making and subscribing the said declaration, was meant and intended, and shall be construed, deemed and taken to be three calendar months,

months, and that the same ought at all times to have been so construed, deemed and taken.

V. Provided always, That this act, or any thing herein contained, shall not extend or be construed to extend, to restore or intitle any person or persons to any office, employment, benefice, matter or thing whatsoever, already actually avoided by judgment of any of his Majesty's courts of record, or already filled up or enjoyed by another person, but that such office, employment, benefice, matter or thing so avoided or filled up, or enjoyed as aforesaid, shall be and remain in and unto the person or persons who is or are now intitled by law to the same, as if this act had never been made.

Not to restore to an office actually avoided.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That in case it shall happen that any such officer or person now or hereafter being on board the fleet, or in the service of his Majesty, his heirs or successors, beyond the seas as aforesaid, or in case any of his Majesty's subjects, who have omitted to receive the sacrament, and take and subscribe the oaths, and make and subscribe the declaration, as by the said acts they ought to have done (except all such persons who at any time heretofore were on board the fleet of his Majesty, or of any of his predecessors, or in his or their service beyond the seas, at the time any office, employment, pay or salary was granted to them, and who, within three calendar months after their return into Great Britain, did receive the said sacrament, take and subscribe the said oaths, and make and subscribe the said declaration respectively as aforesaid) shall make default in so doing, within the times, and according to the directions in and by this act limited and appointed, then every such person so making default shall be liable unto and incur all such disabilities, incapacities, forfeitures and penalties, as in and by the said recited acts or either of them are respectively provided and inflicted for not receiving the sacrament, or not taking and subscribing the said oaths, or not making and subscribing the said declaration.

Officers not qualifying themselves in the times limited, liable to disabilities, &c.

VII. And in case of executing any such office, place or employment after such default, every such person and persons being thereof lawfully convicted in such manner as by the said act made in the twenty-fifth year of the reign of King Charles the Second, or the said act made in the first year of his Majesty's reign is respectively directed, shall be liable unto, and incur all such disabilities, incapacities, forfeitures and penalties, as in and by the said respective acts are in the like case provided and inflicted.

Executing any office after default liable to the acts 25 Car. 2. c. 2. and 1 Geo. 1. c. 13.

C A P. XXX.

An act for encouraging and promoting fisheries, and other manufactures and improvements in that part of Great Britain called Scotland.

WHEREAS by the fifteenth article of the treaty of union it is provided, that two thousand pounds per annum, for the

space

space of seven years, should be applied towards encouraging and promoting the manufacture of coarse wool within those shires of Scotland, which produce the wool; and that the first two thousand pounds should be paid at Martinmas then next, and so yearly at Martinmas, during the time aforesaid: and whereas by an act passed in the fifth year of his Majesty's reign, intituled, An act for settling certain yearly funds, payable out of the revenue of Scotland, to satisfy publick debts in Scotland, and other uses mentioned in the treaty of union; and to discharge the equivalent claimed in behalf of Scotland, in the terms of the same treaty, and for obviating all future disputes, charges and expences, concerning those equivalents, it is amongst other things provided, That yearly and every year, reckoning the first year to begin from the feast of the nativity of St. John Baptist one thousand seven hundred and nineteen, the full sum of two thousand pounds of lawful money of Great Britain should be one yearly fund, payable at the four most usual feasts of the year, that is to say, the feast of St. Michael the archangel, the birth of our Lord Christ, the annunciation of the blessed Virgin Mary, and the feast of the nativity of St. John Baptist, the first payment thereof to be due and payable at the feast of St. Michael the archangel in the year one thousand seven hundred and nineteen, to be charged upon and paid out of the monies arisen and to arise, from time to time, of or for any of the customs, duties, excises or revenues that are or shall be under the management of the commissioners of the customs, and commissioners of the excise in Scotland, after the payments therein directed to be made, and subject to redemption by parliament, upon payment of the full sum of forty thousand pounds, and of all arrears of the said annuity, if any such be, in such manner as is more particularly mentioned in the said act, to be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the united kingdom, according to the tenor and true meaning of the said fifteenth article of the said treaty of union, and to no other use, intent or purpose whatsoever; which said annuity hath not hitherto been paid or applied to the purposes for which the same was intended: and whereas by an act passed in the twelfth year of his Majesty's reign, intituled, An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty six, it is amongst other things provided, That if the rate of three pence per bushel, charged upon malt to be made in Scotland, should produce a greater sum than the sum of twenty thousand pounds, clear of all charges of management, the surplussage so produced, over and above the said sum of twenty thousand pounds, should be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the united kingdom, and to no other use, intent or purpose whatsoever, in such manner as should thereafter be settled and directed by parliament: to the end therefore that these several funds and sums of money

money, and any other fund or sum of money, that may arise, grow due, or be provided and become payable for the advancement and improvement of fisheries and manufactures in that part of *Great Britain* called *Scotland*, may be regularly applied for the said purposes; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty, his heirs and successors, by letters patents under the great seal appointed by the treaty of union to be kept in *Scotland* in place of the great seal thereof, to lay down, settle and establish a particular plan or method, and to fix and direct proper rules and regulations, whereby the several funds and sums of money aforesaid, already provided and grown due, or which hereafter shall be provided and grown due, for the improvement and encouragement of fishery and manufactures in that part of *Great Britain* called *Scotland*, shall be wholly applied, laid out and distributed, according to the tenor and true meaning of the said fifteenth article of the treaty of union, and for the improvement of fisheries, and such other manufactures in *Scotland* as may most conduce to the general good of the united kingdom, and to no other use, intent or purpose whatsoever; which plan and method of distribution shall continue and endure, and be a full authority for applying the monies in the manner therein to be directed, till the same shall be altered or varied in the manner herein after expressed.

Crown, by letters patents, to settle a method, and direct rules for the funds provided for improvement of fishery in Scotland.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, by letters patents under the seal aforesaid, to appoint, name and authorize any number of persons resident in that part of *Great Britain* called *Scotland*, not exceeding the number of twenty one, to be trustees and commissioners for managing and directing the application of the said sums, according to the plan or method that shall be settled and established as aforesaid, and for executing the several powers and authorities which by the said letters patents shall to them be committed by his Majesty, his heirs or successors,

Crown to authorize commissioners for managing the application of these funds.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, to appoint the receiver general of the crown rents and casualties in *Scotland* to be the cashier for the said commissioners and trustees, for receiving the several sums of money generally and particularly above mentioned, and for paying out the same to and by the order of the said commissioners and trustees, for the purposes and according to the particular regulations that shall be established by his Majesty, his heirs and successors, in the said letters patents.

Receiver general of the crown rents to be cashier.

IV. And it is hereby further enacted, That the commissioners of his Majesty's treasury now being, and the lord high treasurer of *Great Britain*, and the commissioners of the treasury of his Majesty, his heirs and successors, for the time being, shall

Treasury to order payment of money due for promoting

the fishery, to
the cashier
without fee.

5 Geo. 1. c. 20.
22 Geo. 2. c. 4.

Commission-
ers to audit
yearly at
Christmas, &c.

Commission-
ers yearly at
Christmas to
lay before his
Majesty alter-
ations for
improving the
fishery.

shall, and they are respectively hereby impowred and required to issue their warrants and orders to the proper persons, for making payment of all and every the sums of money particularly and generally above mentioned, due and payable, or that shall fall due and become payable hereafter, for encouraging and promoting fisheries and manufactures in *Scotland*, as the same shall severally become due, according to the direction of the acts above mentioned, to the said receiver general of the crown rents and casualties in *Scotland*, without fee or reward, to be by him answered and issued in like manner, without fee or reward, to and by the order of the said commissioners and trustees, pursuant to such directions as shall be given in that behalf by the said letters patents.

V. Provided always, That the said commissioners and trustees shall, annually and each year, at the feast of the nativity of our Lord Christ, make up a faithful and exact account of the monies received and issued by their orders, together with a full and true report of the state of the funds committed to and under their management, and of their proceedings in the execution of their trust, which they shall, within the space of thirty days, lay before his Majesty, his heirs or successors; and also shall, within the like space of thirty days, lay true copies of the said accounts and report before the annual committee of the convention of the royal burroughs of *Scotland*, that they may peruse and examine the same, and lay before his Majesty, his heirs and successors, from time to time, such observations as they shall make thereon.

VI. *And whereas experience may discover divers improvements fit to be made upon the plan or method to be settled and established by his Majesty as aforesaid; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners and trustees, annually and each year, at the said feast of the nativity of our Lord Christ, to propose and lay before his Majesty, his heirs and successors, such alterations and additions as to them shall seem necessary or expedient, for improving or amending the plan or method for the time being established for encouraging the said fisheries and manufactures; and if the said alterations or additions shall seem necessary or expedient to his Majesty, his heirs or successors, it shall and may be lawful to and for his Majesty, his heirs and successors, by letters patents under the seal aforesaid, to alter the plan or method for the time being, and to settle and establish a new one, upon the representation of the commissioners and trustees as above mentioned, which shall continue and endure, and be in force until it shall be altered or varied by his Majesty, his heirs and successors, upon the representation of the said commissioners and trustees in manner above mentioned.*

CAP. XXXI.

An act for repairing the road from Cranford bridge in the county of Middlesex, to that end of Maidenhead bridge which lies in the county of Bucks.

The toll took place 1 June 1727, and is to have continuance for 21 years.

Continued by 17 Geo. 2. c. 19.

CAP. XXXII.

An act for the more effectual amending the highways leading from Royston in the county of Hertford, to Wandsford bridge in the county of Huntingdon.

The toll took place the 24th of June 1727, and is to continue for 21 years.

Continued by 14 Geo. 2. c. 13. and 24 Geo. 2. c. 59.

*Amended by
7 Geo. 2. c. 29.*

CAP. XXXIII.

An act for improving the navigation of the river Ouze in the county of York.

WHEREAS the antient city of York hath been and is yet considerable for its trade both at home and abroad, and as well the said city and county of the same city, as the country adjoining upon or near unto the river Ouze in the county of York, hath been much relieved, maintained and supported by the said river, which of late years in divers places hath been filled, choaked and stopped up with sands and other obstructions, that ships, pinks, keels, boats, lighters and other vessels cannot, without great hazard and difficulty, come up to the said city as in times past, which is not only detrimental to trade and the publick good, and prejudicial to the said city, but to all traders thereto, and to the owners and occupiers near thereunto, and will be yet more injurious to them, if some speedy remedy or course be not taken and provided for repairing, amending and making the said river more navigable and passable: for remedy whereof, and to the intent that the said river, as well for the good of the publick in general, and of the inhabitants of the said city, as also of such as shall trade and pass thither and from thence with merchandizes, may be effectually repaired, amended, maintained and improved; be it enacted, &c.

Trustees appointed for making navigable the river Ouze. Trustees to compound with owners for damages. Commissioners appointed for settling differences between trustees and others. Commissioners may mediate between trustees and others. May cause a jury to be impanelled, to assess damages. On payment of the money assessed, trustees may proceed to work. New cuts to be supported for ever, by the trustees. On deaths, &c. of commissioners, others shall be chosen. It shall be lawful for seven commissioners, with the concurrence of seven trustees, to lay tolls on merchandizes carried on the river above Wharf Mouth, except straw, manure, dung, compost or lime used in tillage, and except materials made use of in the works, not exceeding 6 d. for every ton of salt, lead, hams and sides, tow, old glass, timber, coals, corn, seeds, flour, turfs, cases, chests of glass, Dutch tiles, earthen ware, butter, flax and hemp, and not exceeding 1 s. for every ton of iron, steel and wrought iron ware, and not exceeding 2 s. 6 d. for every ton of wines and groceries; and not exceeding 6 d. for other goods. Watermen may tow up their vessels on the banks. Trustees to set up bridges and conveniencies, for owners to come at their lands. Master answerable for his vessel and crew. Land owners near the river may keep pleasure-boats. Commissioners not to settle damages otherwise than by verdict of a jury. Throwing dirt into the river forfeits 5 s. In case of difference about the weight of goods, master on oath may ascertain it, or the collectors may weigh the goods. Trustees may engage the profits of the toll for security for money to be borrowed. As soon as sufficient money shall be raised for the uses of the

act, &c. Commissioners may moderate the duties. Commissioners may annually settle the carriage of goods. Undertakers for the river Dun may cut a channel into the river Ouze. They may take 3 d. per ton for goods, above the other duties. Commissioners of sewers for the level of Hatfield Chale, their powers saved.

C A P. XXXIV.

An act for explaining and amending an act passed in the seventh and eighth years of the reign of his late majesty King William the third, intituled, An act for making navigable the rivers Wye and Lugg in the county of Hereford, and for making the same more effectual.

WHEREAS in and by an act passed in the fourteenth year of the reign of King Charles the Second, intituled, An act for making the rivers Wye and Lugg, and the rivers and brooks running into the same, in the counties of Hereford, Gloucester and Monmouth, navigable, Sir William Sandys, knt. Windsor Sandys, esquire, and Henry Sandys, their heirs and assigns, were impowered upon the terms and under the provisoes in the said act mentioned, to make the said rivers navigable; but the said Sir William Sandys, Windsor Sandys and Henry Sandys, having not done any thing to the river Lugg, and what work was done on the river Wye, being performed very slightly, all the powers, authorities, privileges, benefits and advantages whatsoever, given and granted to them the said undertakers, by virtue of the said recited act, by an act passed in the seventh and eighth years of the reign of his late majesty King William the Third, intituled, An act for making navigable the rivers Wye and Lugg in the county of Hereford, were vested in the several trustees therein named, with several other powers and authorities in the said last recited act mentioned; and whereas most part of the trustees named in and by the said last recited act are dead, and no provision made by the said act for filling up the room or place of any trustee or trustees dying, by taking in the heir or heirs of the deceased trustees or otherwise, whereby the number of trustees is reduced to a few, and the due execution of the powers of the said recited acts have been very much hindered and obstructed, and will soon become impracticable, unless some timely means be applied: for the remedy of the said inconveniencies and defects, and for the better and more effectual accomplishing of the ends and designs intended for the good and service of the publick by the said recited acts, be it therefore enacted, &c.

Trustees for putting this and the two former acts in execution. All the powers in the former acts vested in them. New trustees on deaths shall be elected. Trustees may summon persons to account on oath for monies, &c. in their hands. Trustees may summon persons to give evidence. All papers, vouchers, &c. to be delivered up to the trustees. On refusal trustees have their action at law, and treble costs. All the money, &c. acquired by the act 7 & 8W. 3. and by this act, shall be applied in such proportions as prescribed by that act, viz. so much as is unapplied, and allotted to the river Wye, to be paid over to persons nominated by the trustees for the river Wye, and the other part unapplied and allotted to the river Lugg, shall be paid over to persons nominated by the trustees for the river Lugg. Trustees to repay the inhabitants of Hampton Bishop 70 l. for their expence

expen in building Hampton Meadow bridge. The trustees may agree with owners of lands near the river, about wears and mills. Owners not agreeing, a jury to be impanelled, to assess damages and recompence. No owners of wears or mills to lay nets to destroy the Salmon in Wye, on pain of 100 l. The profits of mills or wears shall be paid to the separate receivers. Every boat-master answerable for damage done by his boat or crew.

C A P. XXXV.

An act for establishing a certain provision for maintaining the curate of the parish of Saint Katherine Cree-Church, alias Christ-Church, London, and for repairing and supporting the chancel of the said parish church.

WHEREAS the master and fellows of Magdalen College in the university of Cambridge, being seised in fee to them and their successors, of and in the impropriate rectory and tithes of the parish of Saint Katherine Cree-Church, alias Christ-Church, in the city of London, did, by indenture under their common seal, dated the seven and twentieth day of April in the year of our Lord one thousand seven hundred and twenty four (for the considerations therein mentioned) demise the same to Jerome Knapp, citizen and haberdasher of London, for the term of ten years, to commence from the feast day of the annunciation of the blessed Virgin Mary next ensuing the date of the said demise, at and under the rent and covenants therein mentioned; and whereas for the determining of disputes and differences which have arisen concerning the said tithes, and for making certain provisions for maintenance of the curate of the said parish, from time to time, and for repairing and supporting the chancel of the said parish church, the said master and fellows of Magdalen College aforesaid, the said Jerome Knapp, and the parishioners of the said parish, have come to an agreement, which they are desirous may be rendered effectual by authority of parliament: at their humble suit and request; may it please your most excellent Majesty, that it may be enacted, &c.

Parishioners of Katherine Cree-Church to pay to Jerome Knapp, during his lease, and afterwards to the master, &c. of Magdalen College in Cambridge, 150 l. per ann. clear of taxes, in lieu of tithes, &c. Churchwardens and vestry to make an assessment by a pound rate. Collector refusing to act may be fined, not exceeding 10 l. by the vestry. Collector exempted from serving as overseer or collector for the poor. Collector to account quarterly for overplus monies. Persons refusing to pay the assessment, collector to distrain. Deficiency to be made good by reassessments. Parishioners to repair the chancel, and have all profits of burials, &c. 50 l. per ann. to be paid to the officiating curate for 10 years, and afterwards 70 l. per ann. Curate to have the surplice fees.

Anno primo GEORGII Secundi.

STATUTES made at the parliament begun and holden at Westminster, the ninth day of October, Anno Domini one thousand seven hundred and twenty two, in the ninth year of the reign of our late sovereign lord GEORGE the First, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the twenty seventh day of June one thousand seven hundred and twenty seven, (a) being the sixth session of this present parliament.

(a) In the record is added, In the first year of King GEORGE the Second, and further continued by adjournments till the seventeenth day of July.

C A P. I.

An act for the better support of his Majesty's household, and of the honour and dignity of the crown of Great Britain.

May it please your most excellent Majesty :

1 Geo. 1. stat. 1. c. 1.

12 Car. 2. c. 23.

2 W. & M. stat. 1. c. 3.

10 W. 3. c. 21.

9 W. 3. c. 23.

WHEREAS by an act of parliament made in the first year of the reign of our late sovereign lord King George the First (of glorious memory) intituled, An act for the better support of his Majesty's household, and of the honour and dignity of the crown of Great Britain, it was amongst other things enacted, That the rates and duties of excise upon beer, ale and other liquors, which had been granted to his late majesty King Charles the Second, by an act made in the twelfth year of his reign, intituled, A grant of certain impositions upon beer, ale and other liquors, for the increase of his Majesty's revenues during his life, and which were granted to their late majesties King William and Queen Mary (of blessed memory) by an act made in the second year of their reign, for their lives and the life of the survivor of them (a certain duty of six pence for every barrel of vinegar beer granted by the same acts excepted) and also a duty of six pence, part of a duty of eight shillings, which was granted to his said late majesty King William, for and upon every barrel of vinegar, vinegar beer or liquor preparing for vinegar, which should be brewed or made of any English materials, by any person or persons whatsoever, for sale, and so in proportion for a greater or lesser quantity, by an act made in the tenth year of his reign, and likewise the further subsidy of tannage and poundage, and other duties upon wines, goods and merchandizes, which had been granted to his said late majesty King William for his life, by an act made in the ninth year of his reign, intituled, An act for granting to his Majesty a further subsidy of tannage and poundage, towards raising the yearly sum of seven hundred thousand pounds for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life, should be levied, collected and paid to his said late majesty King George the First, for and during the term of his natural life; and in and by the said act of the first year of the reign

reign of his said late majesty King George the First, it was enacted and declared, That the hereditary rates and duties of excise upon beer, ale and other liquors, which were granted to the crown in the twelfth year of the reign of the said late King Charles the Second, and the said duties of excise upon beer, ale and other liquors, which had been granted to the late Queen Anne, by an act of the first year of her reign, for her life (subject nevertheless to the incumbrances in that act mentioned) and the monies arising by the said further subsidy of tunnage and poundage, and other duties thereby granted, and the revenue arising in the general letter-office or post-office, or office of post-master general, and the small branches of his Majesty's revenues therein particularly described or mentioned, should be for the support of his Majesty's household, and of the honour and dignity of the crown, as by the said act of the first year of his said late Majesty's reign (relation being thereunto had) may more fully appear: now we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being desirous that a competent revenue for defraying the expences of your Majesty's civil government, and better supporting the dignity of the crown of Great Britain during your life (which God long preserve) may be settled on your Majesty, and that your Majesty may be enabled to make an honourable provision for your royal family, as a testimony of our unfeigned affection to your sacred person, of whose great goodness and princely qualifications we have had very many testimonies, and by whose happy accession to the throne, your Majesty's subjects have a prospect, that the religion, laws and liberties of this realm will be continued, and that they your said subjects and their posterity, may, through the divine goodness, enjoy a long tranquillity under your Majesty's auspicious reign, have therefore freely and unanimously resolved to give and grant, and do by this act give and grant to you, our most gracious sovereign lord King George the Second, the several rates, duties, impositions and charges herein after mentioned, during your Majesty's life; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the eleventh day of June one thousand seven hundred and twenty seven, for and during the term of the natural life of his majesty King George the Second (whom God long preserve) the said rates and duties of excise upon beer, ale and other liquors, granted to his said late majesty King Charles the Second, by the said act made in the twelfth year of his reign, intituled, *A grant of certain impositions upon beer, ale and other liquors, for the increase of his Majesty revenue during his life, and which were granted to their late majesties King William and Queen Mary, by the said act made in the second year of their reign, for their lives, and the life of the survivor of them; and which were continued to her said late majesty Queen Anne, by the said act of the first year of her reign, for her life; and which were continued to his said late majesty King George the First, by the said act of the first year of his reign, for his life, (other*

Ann. stat. 1.
c. 7.

From 11 June 1727, the duties of excise, granted for his late Majesty's life continued during his present Majesty's life.

Exception.

than and except the said duty of six pence for every barrel of vinegar beer before mentioned to have been formerly excepted) and also the said duty of six pence, part of the said duty of eight shillings, for every barrel of vinegar, vinegar beer or liquor preparing for vinegar, which shall be brewed or made of any *English* or foreign materials, by any person or persons whatsoever, for sale; and so in proportion for a greater or lesser quantity, imposed by the said act of the tenth year of the reign of his said late majesty King *William* the Third, shall be raised, levied, collected and paid to our said sovereign lord King *George* the Second, in the same manner and form, and by such rules, ways, means and methods, and under such penalties, forfeitures and disabilities, and with such allowances as are mentioned and expressed in the before mentioned acts, or any of them, or by any other law now in force, relating to the revenue of excise; and that all and every the said laws relating to the revenue of excise shall be of full force and effect, to all intents and purposes for the levying, receiving, ascertaining and recovering the said duties of excise upon beer, ale and other liquors; and the said duty of six pence, part of the said duty of eight shillings for every barrel of vinegar, vinegar beer or liquor preparing for vinegar, hereby granted or continued, in the like manner as if the same were repeated and enacted in the body of this present act.

The further subsidy of tunnage and poundage continued.

II. And be it also enacted by the authority aforesaid, That the said further subsidy of tunnage and poundage, and other duties upon wines, goods and merchandizes granted by the said act made in the ninth year of the reign of his said late majesty King *William*, for his life, and continued to her said late majesty Queen *Anne*, by the said act of the first year of her reign, for her life, and afterwards continued to his said late majesty King *George* the First, by the said act of the first year of his reign, for his life, shall, from and after the said eleventh day of *June* one thousand seven hundred and twenty seven, during the life of our said sovereign lord King *George* the Second, be raised, levied, collected, paid and satisfied unto his Majesty, by the same ways, means and methods, and under the same penalties, forfeitures and disabilities, and by the same rules and directions, and with the same allowances and drawbacks as are prescribed in or by the said act of the ninth year of the reign of his said late majesty King *William*, or in any other act or acts of parliament now in force, in that behalf; and that the said act of the ninth year of the reign of his said late majesty King *William*, and other acts touching the said further subsidies of tunnage and poundage, and other duties upon wines, goods and merchandizes last mentioned, and all and every the articles, rules and clauses therein contained, or thereby referred unto, so far as the same relate to the raising, levying, collecting or making allowances or drawbacks out of the same subsidies, and other duties, shall be of full force and effect to all intents and purposes, during the life of our said sovereign lord King *George* the Second, as if the same

were

were particularly and at large repeated and set down in the body of this act.

III. *And whereas by one other act made in the first year of the reign of our late sovereign lord King George the First, intituled, An act for enlarging the fund of the governor and company of the bank of England, relating to exchequer bills; and for settling an additional revenue of one hundred and twenty thousand pounds per annum upon his Majesty, during his life, for the service of the civil government; and for establishing a certain fund of fifty four thousand six hundred pounds per annum, in order to raise a sum not exceeding nine hundred and ten thousand pounds, for the service of the publick, by sale of annuities, after the rate of six pounds per centum per annum, redeemable by parliament; and for satisfying an arrear for works and materials at Blenheim, incurred whilst that building was carried on at the expence of her late majesty Queen Anne, of blessed memory, and for other purposes therein mentioned, it is amongst other things enacted, That the yearly sum of one hundred and twenty thousand pounds, for the service of his said late Majesty's houshold and family, and other his necessary expences and occasions, should be paid quarterly, from the feast of Saint Michael the archangel in the year of our Lord one thousand seven hundred and fifteen, at the four most usual feasts in the year, by equal portions, during his said late Majesty's natural life, out of the monies of the aggregate fund, by the said act established, as in and by the said act it may also more fully appear; which payments determined on the said eleventh day of June one thousand seven hundred and twenty seven: be it therefore enacted by the authority aforesaid, That there be granted and continued to our said sovereign lord King George the Second, during his natural life (which God long preserve) the said revenue or yearly sum of one hundred and twenty thousand pounds per annum, which, from and after the said eleventh day of June one thousand seven hundred and twenty seven, shall be and is hereby charged upon, and shall be paid and payable, from time to time, to his Majesty, during his life, out of the duties and revenues which compose the said fund, commonly called the aggregate fund, and every or any of them, at such times, and with such preference, as the same, by the said act last mentioned, or by any other act of parliament, was made payable to his said late majesty King George the First; and the commissioners of his Majesty's treasury, and the high treasurer and under treasurer of the exchequer for the time being, shall and may, and they are hereby authorized and required to cause the said yearly sum of one hundred and twenty thousand pounds, or any arrears thereof, to be issued and applied weekly, or as soon as the same can be satisfied, for the uses and purposes by this act appointed, out of the monies arisen or to arise as aforesaid, so as by such weekly or other payments; the sum of thirty thousand pounds, to be due thereupon at the end of each quarter, be not exceeded; and so that upon every of the said quarterly feast days the whole then*

Geo. 1. stat.
a. c. 12.

The yearly sum of 120,000l. continued upon the aggregate fund.

due

due thereupon be compleated, made up or satisfied, according to the true meaning of this act.

The duties of excise, the further subsidy, the 120,000 l. per ann. the revenue of the post office, and all the small branches of the revenue, shall be for the support of the household, and the honour of the crown,

IV. And it is hereby enacted and declared, That the said hereditary rates and duties of excise upon beer, ale and other liquors, and the said duties of excise upon beer, ale and other liquors, hereby granted to his Majesty for the term of his life, and the said further subsidy of tunnage and poundage, and other duties upon wines, goods and merchandizes, and the said yearly sum of one hundred and twenty thousand pounds hereby also granted to his Majesty for the term of his life, and the said revenue of the general letter-office or post-office, or office of post-master general, and the small branches of his Majesty's revenues herein after expressed, that is to say, the monies arising by fines for writs of covenant and writs of entry, payable in the alienation office, the post fines, the revenue of the wine licenses, sheriffs proffers and compositions in the exchequer, seizures of prohibited and uncustomed goods, the revenue arising to his Majesty by rents of lands, or for fines of leases of the same, or any of them, and all other branches and revenues which were settled or appointed for the support of the household of his said late majesty King *George* the First, and the honour and dignity of the crown, during his said late Majesty's life as aforesaid, (except such revenues, rents and hereditaments as have been granted or passed to any person or persons, bodies politick or corporate, by or in pursuance of any act or acts of parliament in that behalf, and except all charges of particular annuities or sums of money on the said revenues, or any of them, made or allowed of by any act or acts of parliament whatsoever,) shall be for the support of his Majesty's household, and of the honour and dignity of the crown, and other the purposes in this act mentioned and declared: nevertheless the said hereditary duties of excise, and the said duties of excise granted for his Majesty's life as aforesaid, and the said revenues of the general letter-office or post-office, or office of post-master general, shall respectively be liable to and charged with the several particular annual, weekly or other payments or incumbrances charged on, or directed to be set apart out of the said hereditary duties of excise, and the said duties of excise granted for the life of his said late majesty King *George* the First, and the said revenues of the general letter-office or post-office, or office of post-master general, or any of them, by any former or other act or acts of parliament, in the same manner and for the same uses, intents and purposes, and under and subject to the like penalties, forfeitures and disabilities, for any offences in or about the same, as the said last mentioned duties or revenues, or any of them, were subject or liable unto at the time of the demise of his said late majesty King *George* the First, as fully and effectually to all intents and purposes, as if the same had been by this act particularly charged on or directed to be set apart out of the duties or revenues hereby granted or continued to his Majesty for his life; any thing herein contained to the contrary notwithstanding.

but chargeable with the incumbrances thereon by other acts.

V. Provided also, and it is hereby enacted by the authority aforesaid, That in case the produce of the several duties and revenues hereby granted and appropriated for the purposes aforesaid (over and above such annual, weekly and other payments and incumbrances as aforesaid, and over and above all grants made by any of his Majesty's royal predecessors) shall at any time or times appear to be so deficient, that within any one year, reckoning from the feast of Saint *John Baptist* in the year of our Lord one thousand seven hundred and twenty seven, the same shall not be sufficient to answer and satisfy the yearly sum of eight hundred thousand pounds, then and in every such case, and as often as any such deficiency shall happen, the same shall be provided for, answered and made good by and out of the then next aids to be granted in parliament.

If the produce of these duties be not sufficient to answer 800,000 l. per ann. the deficiency to be made good out of the next aids.

VI. Provided nevertheless, and be it enacted by the authority aforesaid, That the several and respective duties and revenues which were payable to his late majesty King *George* the First, in that part of *Great Britain* called *Scotland*, for and during his life, shall be continued, raised, levied and paid from the decease of his said late Majesty during the life of his present majesty King *George* the Second, in the same manner only, and subject to the same or the like charges thereon, as the same were liable or subject to during his said late Majesty's life.

The revenues payable to his late Majesty in Scotland, continued to his present Majesty,

VII. Saving always, to all and every person and persons, bodies politick and corporate, their heirs and successors, executors, administrators and assigns, other than to our said sovereign lord the King, his heirs and successors, all such rights, titles, estates, customs, interests, claims and demands whatsoever, of, in or to, or out of the revenues, hereditaments and other the premises aforesaid, or any of them, as they or any of them had or ought to have had at the making of this act, as fully and effectually to all intents and purposes, as if this act had never been made; any thing herein contained to the contrary notwithstanding.

Saving clause.

C A P. II.

An act to enable his Majesty to be governor of the South-Sea company.

WHEREAS the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America, and for encouraging the fishery, have made an humble address to the King's most excellent majesty, in a general court of the said company, that his Majesty would be graciously pleased to honour the said company with being their governor, whereunto his Majesty being willing to condescend, some doubts and difficulties have arisen, or may arise, touching the qualifications and duties prescribed by law, or by the charter granted to the said company, in relation to the governors or government thereof: for remedy whereof, be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That his Majesty shall be capable of being and

con-

His Majesty capable of being governor of the South-Sea company. An address from the company shall be deemed an election.

continuing governor of the said company for such time or times as are prescribed by the said charter for the continuance of any governor therein; and that such address as aforesaid, or any other address of the said company to be hereafter made in their general court for the same purpose (in case his Majesty shall be pleased to accept of being their governor) shall from time to time be deemed and adjudged to be an election of his Majesty to be governor of the said company within the true intent and meaning of the said charter, without the forms of ballotting or other methods prescribed by such charter for electing the governor of the said company; any thing in the said charter to the contrary notwithstanding.

His Majesty exempted from the oaths,

II. And it is hereby declared and enacted by the authority aforesaid, That the oaths prescribed by the said charter, or any law now in force, and all other acts, matters or things necessary or requisite to qualify a subject of this realm to be governor of the said company, shall not be deemed to be necessary or requisite for his Majesty's qualification in respect of the said government, nor shall the said oaths be administered to his Majesty; and that his Majesty, in all cases where any vote is to be given or act to be done by him, as governor of the said company, may (if his Majesty think fit) by any warrant or warrants under his royal sign manual, appoint the sub-governor or deputy-governor of the said company to vote or act for him or on his behalf; any former law, statute, charter or provision to the contrary notwithstanding.

and may appoint the sub-governor, &c. to act in his behalf.

C A P. III.

An act for enabling his Majesty to settle a revenue for supporting the royal dignity of the Queen, in case she shall survive his Majesty.

Most gracious sovereign,

WHEREAS your Majesty's most faithful commons are truly sensible how acceptable it will be to your Majesty, that a good, certain and competent revenue be settled for supporting the honour and dignity of her Majesty, your royal consort, in case she should survive your Majesty (whose lives God long preserve) and reflect with the greatest pleasure upon the happiness which this kingdom, by the blessing of Almighty God, cannot fail to enjoy by a long succession of princes derived from her Majesty, who hath with a constancy and greatness of mind peculiar to herself given early and never to be forgotten instances of her zeal for the protestant religion, and by a continued exercise of every royal virtue hath inflamed our hearts with the most dutiful affection to her Majesty: and whereas by an act made in the first year of the reign of her late majesty Queen Anne for preserving the inheritance of several revenues of the crown, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown, all grants (other than such as are therein expressed) are declared to be void; and by another act made in the ninth year of her said late Majesty's reign, intituled, An act for e-

1 Ann. stat. 1. c. 7.

9 Ann. c. 10.

Establishing a general post-office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions, *it was enacted, That such part of the duties and revenues arising in or by the general letter-office or post-office, which was thereby vested in her said late Majesty, her heirs and successors, and therein mentioned to be undeterminable, should not be alienable, chargeable or grantable for any estate, term or time whatsoever, to endure longer than the life of the King or Queen that should make such alienation, charge or grant respectively; and that all gifts, grants, alienations and assurances whatsoever, to be had or made of and charged upon the same duties or revenues or any part thereof, contrary to the provision of that act, should be null and void: we do nevertheless most humbly, cheerfully and unanimously beseech your Majesty, that it may be enacted, and be it enacted, by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent majesty, by any letters patent, or indenture, or by several letters patent, or indentures, under the great seal of Great Britain, hereafter to be made, to give and grant to her said majesty the Queen, or to such other person or persons as his Majesty shall think fit to be named in such letters patent, indenture or indentures, and his or their heirs, to the use of, or in trust for her Majesty, one annuity or yearly rent or sum of one hundred thousand pounds of lawful money of Great Britain; which annuity or yearly sum of one hundred thousand pounds, and every part thereof, shall commence and take effect immediately from and after the decease of his Majesty, and continue from thenceforth for and during the natural life of her Majesty, and shall be paid and payable at the four most usual feasts, or days of payment in the year; that is to say, the feast of Saint *Michael* the archangel, the birth of our Lord *Christ*, the annunciation of the blessed *Virgin Mary*, and the nativity of Saint *John Baptist*, by even and equal portions; the first payment thereof to be made at such of the said feasts, as shall first and next happen after the decease of his Majesty, in case her Majesty the Queen shall survive him, as aforesaid; and that the said annuity or yearly sum of one hundred thousand pounds, shall or may, by such letters patent, indenture or indentures, be directed to be issuing and payable out of, or charged and chargeable upon all and every the duties, revenues, and payments, settled or appointed by an act of this present session of parliament, for the better support of his Majesty's household, and the honour and dignity of the crown, or any of them that shall be subsisting after his Majesty's demise, or upon all and every the duties and revenues, which compose the fund commonly called *the aggregate fund*, and payable thereout in the same order and degree as the annual sum of one hundred and twenty thousand pounds, by the last mentioned act granted and continued to his Majesty for his life is payable, in such parts,*

His Majesty may settle a yearly rent of 100,000 l. on her Majesty.

to commence after his decease.

The said yearly rent charged on the crown revenues granted this session.

shares,

shares, or proportions, as his Majesty in his great wisdom shall think fit to direct or appoint the same.

To be paid
without fee,

II. And it is hereby further enacted, That the said annuity or yearly sum of one hundred thousand pounds shall be paid and payable at the receipt of his Majesty's exchequer, or by and from the immediate hands of all and every the commissioners, farmers, treasurers, or receivers for the time being of the said revenues respectively, upon which the said annuity or yearly sum of one hundred thousand pounds, or any part or parts thereof, shall be charged, without any fees or charges to be demanded or taken for paying the same, or any part thereof; and the acquittance and acquittances of her Majesty, or her trustees, or of her Majesty's treasurer or receiver general for the time being, shall be a good and sufficient discharge for the payment thereof, without any further or other warrant to be sued for, had, or obtained in that behalf; and that the said annuity or yearly sum of one hundred thousand pounds, and every part thereof, shall be free and clear from all taxes, impositions, and other publick charges whatsoever; and that if the officers of his Majesty's receipt of exchequer, or the said commissioners, farmers, treasurers, or receivers for the time being of any of the said duties and revenues, upon which the said annuity or yearly sum of one hundred thousand pounds, or any part or parts thereof, shall be charged, as aforesaid, shall refuse or neglect to pay the said annuity or yearly sum, or any part thereof, to her Majesty, her treasurer, receiver general, or trustees, then her Majesty, or such her trustees, as aforesaid; may, from time to time, sue, prosecute, or implead such officers, commissioners, farmers, treasurers, or receivers, or any of them, or all or any of their securities, heirs, executors, and administrators, by bill, plaint, or action of debt, and shall and may recover judgments, and sue out executions thereupon against such officers, commissioners, farmers, treasurers, or receivers respectively, and their respective securities, heirs, executors, and administrators, for such sum and sums of money then due and owing upon the said annuity of one hundred thousand pounds, or any part thereof, as shall be in the hands of such officers, commissioners, farmers, treasurers, or receivers respectively, at the time when demand shall be made of the payment of the said yearly sum, or any part thereof, as aforesaid.

and clear of
taxes.

Recital of part
of the act
Geo. I. relat-
ing to the
grant of So-
merfet House
to her Majesty.

III. And whereas his said late Majesty, in pursuance of the power given unto his said late Majesty in and by an act of parliament, made and passed in the first year of his reign, [intituled, *An act for enabling his Majesty to settle a revenue for supporting the dignity of her royal highness the princess, in case she shall survive his royal highness the prince of Wales*] was graciously pleased, by indenture under the great seal of *Great Britain*, bearing date the fifteenth day of *December*, in the year of our Lord one thousand seven hundred and fifteen, to give and grant unto the right honourable Sir *Spencer Compton*, knight of the *Bath*, Sir *Robert Walpole*, knight of the most noble order of the garter, and Sir *Robert*
Eyre

Eyre knight, chief justice of his Majesty's court of common pleas at *Westminster*, by the names and additions therein mentioned (being persons, whom his Majesty thought fit to be named in the said indenture as trustees in that behalf) and to their heirs and assigns for ever, all that his said late Majesty's palace, or capital messuage, called by the name of *Denmark House*, alias *Somerſet House*, alias *Strond House*, situate in or near the *Strand*, and in or near the parish of *St. Mary at Strand*, in the county of *Middleſex*, with its rights, members, and appurtenances, whatsoever, and all and ſingular houſes, out-houſes, ſtables, coach-houſes, edifices, buildings, courts, yards, gardens, and appurtenances whatsoever, to the ſaid palace or capital meſſuage, and other the premiſſes belonging or appertaining, or accepted, reputed, taken, uſed, or enjoyed as part, parcel, or member thereof, or any part thereof, to hold the ſaid palace or capital meſſuage, and other the premiſſes thereby granted, with their and every the appurtenances unto the ſaid Sir *Spencer Compton*, Sir *Robert Walpole*, and Sir *Robert Eyre*, their heirs, executors, administrators, and assigns (amongſt other uſes and trusts therein ſpecified) immediately from and after the deceaſe of his preſent Majesty (then his royal highneſs the prince of *Wales*) during the term of the natural life of her Majesty the Queen (then her royal highneſs the princeſs of *Wales*) and for the term of one year from her deceaſe (in caſe ſhe ſhould ſurvive her royal conſort his preſent Majesty) upon this trust and confidence, *videlicet*, That the ſaid Sir *Spencer Compton*, Sir *Robert Walpole*, and Sir *Robert Eyre*, their heirs and assigns, ſhould permit and ſuffer her Majesty (then princeſs of *Wales*) and her assigns, to have, poſſeſs, uſe, and enjoy the ſaid palace or capital meſſuage, and premiſſes laſt mentioned, with their appurtenances, during her natural life, to and for her own benefit and behoof; and from and after the deceaſe of her Majesty as aforeſaid, then the ſaid Sir *Spencer Compton*, Sir *Robert Walpole*, and Sir *Robert Eyre*, their executors, administrators, and assigns, ſhould ſtand and be poſſeſſed of the ſaid palace or capital meſſuage, and premiſſes laſt mentioned, and every part thereof, with their appurtenances, in trust for her Majesty, her executors, administrators, and assigns, for and during the term of one whole year, to commence and take effect immediately from and after the deceaſe of her Majesty, as in and by the ſaid indenture (amongſt other things) relation being thereunto had, may more fully and at large appear.

IV. And whereas your Majesty's faithful commons are deſirous that her Majesty ſhould have and enjoy the full benefit and advantage of the ſaid recited grant, in caſe her Majesty ſhall ſurvive your Majesty, be it therefore further enacted by the authority aforeſaid, That the ſaid recited grant, ſo made by his ſaid late-Majesty as aforeſaid, in and by the ſaid indenture, ſhall be, and the ſame is hereby ratified and confirmed, and enacted to be good and effectual in the law in all things, according to the tenor and purport thereof in the ſaid indenture expreſſed.

The recited
grant con-
firmed.

Richmond
House, &c.
settled on her
Majesty.

V. And for the better accommodation of her Majesty, in case she shall happen to survive his Majesty, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, notwithstanding any restriction contained in the said act of the first year of her said late Majesty's reign, by any letters patent, indenture, or indentures, under the great seal of *Great Britain*, to give, grant, settle, or assure, all that his Majesty's house now, or heretofore, usually called the lodge, and formerly in the tenure of *John Latton* esquire, situate and being within the park called or known by the name of *Richmond Old Park* in the county of *Surrey*, and all and singular the closes, wood grounds, lands, tenements, and hereditaments thereunto belonging, or held and enjoyed with the said house or lodge, all which premises are parcel, or reputed parcel of the manor of *Richmond*, alias *West Sheen*, in the said county of *Surrey*, in as full, large, ample, and beneficial manner and form, as his Majesty might have given, granted, settled, or assured the same, or any part thereof, if the said act of the first year of her said late Majesty's reign, or any the restrictions, clauses, matters, or things therein contained, had never been had or made, so as by such gifts, grants, settlements, or assurances, or some of them, a good and sure estate, and interest of and in the said house or lodge, lands, tenements, hereditaments, and other the premises last mentioned, and every of them be limited, appointed, settled, or assured to or for the use of, or in trust for her Majesty, in such manner that she may have and enjoy the sole benefit thereof immediately from and after the decease of his Majesty, during the term of her natural life, and so as an estate or interest be thereby also limited, appointed, settled, or assured to or for the use of, or in trust for her Majesty, her executors, administrators, and assigns, to take effect immediately from and after her decease, and to continue for one whole year from thence next ensuing.

The powers in
his Majesty's
letters patent,
&c. good, not-
withstanding
the restric-
tions in act
1. Anne.

VI. And be it further enacted by the authority aforesaid, That all and every the powers, precepts, directions, and clauses, to be contained in his Majesty's letters patent, indenture, or indentures hereafter to be made as aforesaid, for the better and more certain payment and assurance of the said annuity, or yearly sum of one hundred thousand pounds, and for making the said respective revenues, or any of them, or any part thereof liable thereunto, and for granting, conveying, settling, and assuring of the said house or lodge, lands, tenements, hereditaments, and premises last mentioned as aforesaid, shall be, and are hereby enacted to be good and effectual in the law, according to the tenor and purport thereof in the said letters patent, indenture, or indentures to be expressed, notwithstanding any restriction, or other matter or thing contained in the said act of parliament, made in the first year of her late Majesty's reign [intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*] and notwithstanding any restriction, or other matter or thing contained in the said act of the ninth year of her said late Majesty's reign, for establishing the post-office,
and

and any misrecital, nonrecital, omission, or other defect in the said letters patent, indenture, or indentures hereafter to be made in any wise notwithstanding.

VII. Saving to all and every person and persons, bodies politick and corporate, their heirs, executors, administrators and assigns (other than to the King's majesty, his heirs and successors, and other than to such person or persons, who do or may stand seized or possessed in trust for his Majesty, his heirs and successors) all such right, title, interest, and demand whatsoever, which they or any of them have, or may have of, in, to, or out of the revenues aforesaid, or any of them, or of, in, or to the said house or lodge, lands, tenements, hereditaments, and premises last mentioned, with the appurtenances so to be granted as aforesaid, or any part thereof, before the making of this act, as fully and effectually to all intents and purposes as if this act had not been made, any thing therein contained to the contrary notwithstanding.

VIII. And whereas his said late Majesty, in further pursuance and execution of the power given unto his said late Majesty in and by the said act of parliament, made in the first year of his said late Majesty's reign [intituled, *An act for enabling his Majesty to settle a revenue for supporting the dignity of her royal highness the princess, in case she shall survive his royal highness the prince of Wales*] was graciously pleased, by the indenture herein before recited, under the great seal of *Great Britain*, bearing date the said fifteenth day of *December*, in the said year of our Lord one thousand seven hundred and fifteen, to give and grant unto the said Sir *Spencer Compton*, Sir *Robert Walpole*, and Sir *Robert Eyre*, and to their heirs, one annuity or yearly sum of fifty thousand pounds of lawful money of *Great Britain*, to commence and take effect immediately from and after the decease of his present Majesty (then his royal highness the prince of *Wales*) and to continue from thenceforth, for and during the natural life of her Majesty (then princess of *Wales*) and to be paid at the four most usual feasts or days of payment in the year, that is to say, the feast of Saint *Michael* the archangel, the birth of our Lord Christ, the annunciation of the blessed Virgin *Mary*, and the nativity of Saint *John* Baptist, by even and equal portions, the first payment thereof to be made at such of the said feasts, as should first and next happen after the decease of his present Majesty (then his royal highness the prince of *Wales*) in case her Majesty should survive him, as aforesaid; and to charge the yearly sum of forty thousand pounds, part of the said annuity or yearly sum of fifty thousand pounds, upon the revenues arising and to arise by virtue and in pursuance of the said act [intituled, *An act for establishing a general post office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions*] or by virtue, or in pursuance of any provisoe, clause, matter, or thing therein contained, or according to any other act or acts of parliament thereby referred unto (the week-

The annuity of 50,000 l. extinguished, on confirmation of the grant of 100,000 l.

ly sum of seven hundred pounds, mentioned in the said act of the ninth year of her said late Majesty's reign, during such time as the said weekly sum was to continue, and any other monies by that act appointed to be reserved for the use of the publick, always excepted and foreprized) and to charge the yearly sum of ten thousand pounds, residue of the said annuity or yearly sum of fifty thousand pounds, upon the hereditary rates and duties of excise upon beer, ale, and other liquors, which were granted to the crown by an act in the twelfth year of the reign of King *Charles* the Second, confirmed by an act of parliament in the thirteenth year of his reign, as in and by the said indenture, relation being thereunto had, may more fully and at large appear: now it is hereby further enacted by the authority aforesaid, That after the time that the said grant, by this act intended to be made, to or for the benefit of her Majesty, of the said annuity or yearly sum of one hundred thousand pounds, shall be effectually made and passed under the great seal of *Great Britain*, then the said annuity or yearly rent, or sum of fifty thousand pounds, and all her Majesty's right thereunto, and all the benefit and advantage whatsoever, which, from and after the decease of his present Majesty (her Majesty surviving) was to accrue to her Majesty, by virtue of the said recited indenture, or any of the trusts or provisions therein contained, with respect to the same annuity or yearly rent, or sum of fifty thousand pounds, is, are, and shall be, by force and virtue of this present act, vested in his Majesty, his heirs, and successors, to the end the said annuity or yearly rent, or sum of fifty thousand pounds, may be wholly merged and extinguished.

C A P. IV.

An act for continuing the imprisonment of Robert Blackburn, and others, for the horrid conspiracy to assassinate the person of his late sacred majesty King William the Third, of glorious memory.

Preamble.

WHEREAS by an act of parliament made in the first year of the reign of his late majesty King *George* the First, of glorious memory [intituled, An act for continuing the imprisonment of *Robert-Blackburn*, and others, for the horrid conspiracy to assassinate the person of his late sacred majesty King *William* the Third] the persons hereafter named (that is to say) *Robert Blackburn*, *John Bernardi*, and *Robert Casells*, then prisoners in *Newgate*, for a detestable conspiracy to assassinate the royal person of his said late majesty King *William* the Third, of glorious memory, were, by force of the said act, to be detained and kept in custody, without bail or mainprize, during his said late Majesty's pleasure, and will now be set at large, unless some further provision be made for the continuance of their imprisonment for the said heinous offence; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said *Robert Blackburn*, *John Bernardi*, and

Robert Blackburn, &c. to be kept in custody during his Majesty's pleasure.

Robt:

Robert Cassells, shall be detained and kept in custody, without bail or mainprize, during his Majesty's pleasure.

C A P. V.

An act for making further provisions to enable persons possessed of offices at the demise of his late Majesty to qualify themselves for the enjoyment of such offices, and for altering and explaining the acts of parliament therein mentioned in relation to qualifying persons for continuing in offices, and to the continuance of the sheriffs of the county of Cornwall and county palatine of Chester, and several other officers therein mentioned, after the demise of his late Majesty, his heirs and successors; and for continuing such laws as would expire at the end of this session of parliament.

WHEREAS by an act of parliament made in the sixth year of the reign of her late majesty Queen Anne, intituled, An act ^{6 Ann. c. 7.} for the security of her Majesty's person and government, and of the succession to the crown of Great Britain in the protestant line, it was amongst other things enacted, That no office, place or employment, civil or military, within the kingdoms of Great Britain or Ireland, dominion of Wales, town of Berwick upon Tweed, isles of Jersey, Guernsey, Alderney and Sarke, or any of her said late Majesty's plantations, should become void by reason of the demise or death of her said late Majesty, her heirs or successors; but every person in any of the offices, places and employments aforesaid should continue in their respective offices, places and employments for the space of six months next after such death or demise, unless sooner removed and discharged by the next in succession, as in the said act is expressed; and that all officers and persons in any offices, places or employments, civil or military, who were or should be by the said act continued as aforesaid, should take the oaths therein mentioned, and do all other acts requisite by the laws and statutes of this realm to qualify themselves to be and continue in such their respective places, offices and employments, within such time and in such manner, and under such pains, penalties and disabilities, as they should or ought to do, had they been newly elected, appointed, constituted and put into such offices, places or employments in the usual and ordinary way, as by the said recited act (relation being thereunto had) may appear: and whereas divers persons having offices, places or employments in the kingdom of Ireland are now residing in Great Britain, and by reason of their attendance in parliament, or other occasions, cannot at present go into Ireland to qualify themselves in that behalf as the law directs: be it therefore enacted, &c. *EXP.*

Persons in offices in Ireland, residing in England may qualify themselves here before 28 Nov. 1727.

II. *And whereas by the general words of the said recited act, and of one other act made in the fourth year of the reign of her said late majesty*

The acts relating to qualifying persons to continue in offices altered and explained.

majesty Queen Anne, intituled, An act for the better security o her Majesty's person and government, and of the succession to the crown of England in the protestant line, all officers thereby respectively continued are obliged to take the usual oaths of their respective offices in such manner as if they had been newly appointed; from whence many difficulties and inconveniencies have arisen: We enacted by the authority aforesaid, That so much only of the said acts as requires any person to take the usual oath of his office, place or employment, in respect of his being continued therein for the space of six months, by virtue of the said act, or either of them, shall be and is hereby repealed; and that no person or persons who, at the time of the demise of his said late Majesty, was or were possessed of any office, place or employment, and were continued therein by force of the said act, or either of them, shall incur or suffer any pains, penalties or disabilities whatsoever for or in respect of his or their having acted in such office, place or employment without taking the usual oath thereof since the demise of his said late Majesty; and that all acts done or to be done by such person or persons, or by authority derived from him or them, are and shall be of the same force and effect, to all intents and purposes, as they would have been, if such person or persons had taken the usual oath of his or their office, place or employment since the demise of his said late Majesty.

Persons having offices at the demise of his late Majesty to qualify themselves before 28 Nov. 1727. Proviso for persons beyond sea. Persons possessed of offices in Ireland now residing here, and newly appointed to such offices, to qualify themselves in England within three calendar months. Sheriffs of Cornwall and Chester, and several other officers continued. His Majesty may appoint sheriffs for Cornwall during the prince's minority. Bishop of Clogher continued vice-chancellor of Dublin. EXP.

Acts that would expire at the end of this session, continued to the end of the next.

X. *And whereas there are divers laws now in force, which will expire at the end of this session of parliament, and probably there may not be sufficient time for a particular examination and due consideration how far any of them may be fit to be further continued; be it therefore enacted by the authority aforesaid, That all laws now in force, and which would expire at the end of this session of parliament, shall be and continue in full force to all intents and purposes unto the end of the next session of parliament; any thing contained in any of the said laws to the contrary thereof in any wise notwithstanding.*

Anno Regni GEORGII II. primo. Stat. 2.

AT the parliament begun and holden at Westminster, the twenty-third day of January, Anno Domini one thousand seven hundred and twenty seven, in the first year of the reign of our sovereign lord George II. by the grace of God of Great Britain, France and Ireland, King, defender of the faith, &c. being the first session of this present parliament.

CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty eight; and for making good the deficiency of a late malt-act. EXP.

CAP. II.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. EXP.

CAP. III.

An act for making more effectual an act passed in the fourth year of the reign of his late majesty King George, intituled, *An act for repairing the highways from Maidenhead-Bridge to Sunning-Lane end, next to Twyford, in the road to Reading; and from the said bridge to Henley-Bridge in the county of Berks.*

This act continued for 21 years longer after expiration of the former act.
Amended by 9 Geo. 2. c. 21.

CAP. IV.

An act for repairing the road leading from Chatteris-Ferry, which divides the isle of Ely from the county of Huntingdon, to Hammond's Eau, and from thence to Somerham-Bridge, at Somerham town's end, in the said county.

The toll took place the 1st of May 1728, to continue for 21 years. *Continued by 14 Geo. 2. c. 14.*

CAP. V.

An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and twenty eight. EXP. 3s. in the pound.

CAP. VI.

An act for repairing the road from the Powder-Mills on Hounslow-Heath in the county of Middlesex, to a place called Basing-Stone, near the town of Bagshot, in the parish of Windlesham in the county of Surrey.

The toll took place from the 1st day of May 1728. and is to continue 21 years. *Continued by 12 Geo. 2. c. 16.*

CAP.

CAP. VII.

An act for enlarging the term granted by an act made in the twelfth year of the reign of her late majesty Queen Anne, for repairing the highways between the Bear-Inn in Reading, and Puntfield in the county of Berks, and for making the said act more effectual, and for amending other roads in this act mentioned.

The act 12 Ann. for repairing Reading and other roads, enlarged for 21 years. Continued by 20 Geo. 2. c. 6.

CAP. VIII.

An act for granting an aid to his Majesty by sale of annuities to the bank of England at four pounds per centum, redeemable by parliament, and charged upon the duties on coals and culm; and for further applying the produce of the sinking fund; and for enlarging the time for exchanging Nevis and Saint Christopher's debentures for annuities at three per centum, and for applying the arrears of his late Majesty's civil list revenues.

Most gracious Sovereign,

9 Ann. c. 22.

WHEREAS by an act of parliament made and passed in the ninth year of the reign of her late majesty Queen Anne, entitled, An act for granting to her Majesty several duties upon coals, for building fifty new churches in and about the cities of London and Westminster and suburbs thereof, and other purposes therein mentioned, it was enacted, That for all sorts of coals and culm, which from and after the twenty eighth day of September one thousand seven hundred and sixteen, and before the twenty eighth day of September one thousand seven hundred and twenty four, should be imported and brought into the port of the city of London, or the river of Thames, within the liberty of the said city upon the same river, there should be paid to her Majesty, her heirs and successors, by way of imposition thereupon (over and besides all other impositions and duties) according to the rates herein after mentioned; that is to say, For all such sorts of coals and culm as are usually sold by the chalders, for every chalders thereof, containing thirty six bushels Winchester measure, the sum of three shillings; and for such sorts of coals as are sold by the ton, for every ton thereof, containing twenty hundred weight, the sum of three shillings; all the produce of which said imposition on coals and culm was thereby appropriated for the building of fifty new churches, in or near the cities of London and Westminster, or the suburbs thereof, and other purposes therein mentioned: and whereas by an act of parliament made and passed in the first year of the reign of your Majesty's royal father, King George the First, of glorious memory, the said impositions and duties upon coals and culm were further granted to his said late Majesty, from the twenty seventh day of September one thousand seven hundred and twenty four, to the twenty eighth day of September one thousand seven hundred and twenty five, and the whole produce thereof applied for the making provision for the ministers of the said fifty new churches, and other purposes therein mentioned:

10 Geo 1. stat. 2. c. 23.

mentioned: and whereas by an act of parliament of the fifth year of his said late Majesty's reign, intituled, An act for continuing certain duties upon coals and culm, and for establishing certain funds to raise money, as well to proceed in the building of new churches, as also to compleat the supply granted to his Majesty, and to reserve the overplus monies of the said duties for the disposition of parliament, and for more effectual suppressing private lotteries, the same impositions and duties were granted to his Majesty, from the twenty seventh day of September one thousand seven hundred and twenty five, to the feast of the annunciation of the blessed Virgin Mary which should be in the year of our Lord one thousand seven hundred and fifty one, and were thereby charged with a particular fund of twenty one thousand pounds per annum for thirty two years, from the twenty fifth day of March one thousand seven hundred and nineteen, for the raising from time to time, by loans at the exchequer, on the credit of the said fund, as the same should be wanted, the sum of three hundred and sixty thousand pounds, in lieu of the provisions by the former acts for the building the said churches, and other purposes before-mentioned; and the same impositions or duties were by the same act further charged with another particular fund of thirty thousand five hundred and fifty nine pounds fourteen shillings per annum, for the like term of thirty two years, from the said twenty fifth day of March one thousand seven hundred and nineteen, for the paying off and discharging the sum of five hundred thousand pounds, with the interest at four pounds per centum per annum, for the fortunate tickets in the lottery established by the said late mentioned act: and whereas by a subsequent act of parliament made in the sixth year of his said late Majesty's reign, for enabling the South-Sea company to enlarge the capital stock and fund of the said company, the said duties on coals and culm were continued for ever; and thereby the said sum of five hundred thousand pounds for the said lottery, or any part thereof, was (amongst other publick debts therein enumerated) impowered to be taken into the capital stock of the said company, and the said company was to be entitled to an annuity after the rate of four pounds per centum per annum, redeemable by parliament, for so much thereof as should be so taken into the capital stock, in lieu of the former annuity payable for the same, and to a proportionable allowance for charges of management, and to be charged upon the said impositions and duties: and whereas in pursuance of the said last mentioned act the sum of four hundred thirty four thousand six hundred and five pounds principal money, part of the said sum of five hundred thousand pounds, was taken into the said stock, and by means thereof the said company became entitled to an annuity or yearly sum of seventeen thousand three hundred eighty four pounds four shillings, redeemable by parliament, being after the rate of four pounds per centum per annum, in respect of the said principal sum so taken into their stock; and the residue of the said principal debt or sum of five hundred thousand pounds hath been since paid off and discharged, by means whereof the former particular fund or annuity of thirty thousand five hundred fifty nine pounds fourteen shillings, for paying off the said five hundred thousand pounds and interest, was redeemed and discharged:

13 Geo. 1. c. 21.

and whereas by or in pursuance of another act of parliament, made in the thirteenth year of the reign of his said late majesty King George the First, intituled, An act for granting to his Majesty the sum of three hundred and seventy thousand pounds, to be raised by loans or exchequer-bills, to be charged on the surplus monies of the duties on coals and culm, granted by an act of the fifth year of his Majesty's reign for a term of years, and since made perpetual, certain exchequer-bills were made forth at the exchequer, amounting together to the principal sum of three hundred thirty eight thousand eight hundred pounds, and charged on the said duties on coals and culm, and the same are still subsisting: and whereas by virtue of the powers granted by the said act of the fifth year of the reign of his said late majesty King George the First several sums of money have been raised in part of the said three hundred and sixty thousand pounds, by loans, to be repaid with interest at the rate of four pounds per centum per annum, out of the said particular fund of twenty one thousand pounds per annum, and there now remains undischarged of the said loans, on the register thereof, the sum of ninety thousand pounds principal money, over and above any monies reserved in the exchequer for satisfying thereof; and there also remains to be raised for the building the said churches, and other the purposes aforesaid, the further sum of one hundred and three thousand one hundred and forty pounds, to compleat the said whole sum of three hundred and sixty thousand pounds by the said act appointed to be raised as aforesaid, and subject thereto, and to the said annuity of seventeen thousand three hundred eighty four pounds and four shillings, or other charges now payable to the South-Sea company, and redeemable on payment to the said South-Sea company of the sum of four hundred thirty four thousand six hundred and five pounds, and also to the said exchequer-bills, amounting to three hundred thirty eight thousand eight hundred pounds as aforesaid, the surplus of the said impositions or duties is reserved for the disposition of parliament: and whereas the governor and company of the bank of England have consented and agreed to advance and pay into the receipt of your Majesty's exchequer the sum of one million seven hundred and fifty thousand pounds, at the times and in manner herein after mentioned, for the purchase of an annuity of seventy thousand pounds to be payable to them and their successors for ever, subject to redemption by parliament, to be charged on the said duties and impositions, so as the same duties and impositions be freed and discharged from all the former charges or incumbrances thereon: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being willing and desirous not only to discharge all the said charges and incumbrances, but also to raise the necessary supplies which we have cheerfully granted to your Majesty, by means the most easy to your people, have freely and voluntarily given and granted, and by this act do give and grant to your Majesty the sum of one million seven hundred and fifty thousand pounds, to be raised in such manner and form as is herein after directed; and to that end do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent ma-
 jesty,

jesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That yearly and every year, from and after the feast-day of the nativity of Saint *John Baptist* in the year of our Lord one thousand seven hundred and twenty eight, a certain yearly sum or fund of seventy thousand pounds, being after the rate of four pounds *per centum per annum*, for or upon the sum of one million seven hundred and fifty thousand pounds to be raised by this act, be settled and established and be payable in the manner and form herein after expressed and declared, for satisfying the annuities to be purchased in pursuance of this act from time to time, until redemption thereof by parliament, according to the proviso or provisos herein after for that purpose contained.

After St. John Baptist's day 1728. an annuity of 70,000 l. at 4 per cent. to be raised, redeemable by parliament,

II. And it is hereby enacted by the authority aforesaid, That the said yearly fund, or sum of seventy thousand pounds, is and shall by virtue of this act be charged and chargeable upon, and payable out of the monies, which from and after the said feast-day of the nativity of Saint *John Baptist* one thousand seven hundred and twenty-eight shall from time to time arise into the exchequer, of or for the said impositions or duties on coals and culm so granted as aforesaid.

and chargeable on the duty on coals.

III. And be it enacted by the authority aforesaid, That the governor and company of the bank of *England* shall, and they are hereby required and enjoined to advance and pay into the receipt of his Majesty's exchequer, the full and intire sum of one million seven hundred and fifty thousand pounds of lawful money of *Great Britain*, in manner following; that is to say, one moiety thereof on or before the fourth day of *June* which shall be in the year of our Lord one thousand seven hundred and twenty eight, and the other moiety thereof on or before the twenty fourth day of *July* which shall be in the said year of our Lord one thousand seven hundred and twenty eight.

Bank to advance the 1,750,000 l.

IV. And that in case the said governor and company of the bank of *England* shall make failure in payment of the said sum of one million seven hundred and fifty thousand pounds, or any part thereof, contrary to the tenor of the directions hereby given or enacted for payment thereof, then the money whereof such failure in payment shall be made, shall and may be recovered in his Majesty's name, for the uses and purposes of this act, by action of debt or upon the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed; in which action, bill, suit or information, it shall be lawful to declare, that the said governor and company of the bank of *England* are indebted to his Majesty the monies whereof they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, suit, bill or information, there shall be further recovered to his Majesty's use, against the said governor and company of the

Bank making failure in payment, may be sued.

bank of *England*, damages after the rate of eight pounds *per centum* for the monies so unpaid contrary to this act, besides full costs of suit, and the said governor and company of the bank of *England*, and their capital stocks and funds, shall be and are hereby made subject and liable thereto.

On payment
bank intituled
to an annuity
of 70,000 l.

V. And be it enacted by the authority aforesaid, That on payment by the said governor and company of the bank of *England*, of the said sum of one million seven hundred and fifty thousand pounds, at the times and in manner aforesaid, the said governor and company, and their successors and assigns, shall be intitled to have, receive and enjoy, at the receipt of his Majesty's exchequer aforesaid, by and out of the said yearly fund established as aforesaid, one annuity or yearly sum of seventy thousand pounds of lawful money of *Great Britain*, to commence from the twenty fourth day of *June* which shall be in the year of our Lord one thousand seven hundred and twenty eight, and to be paid and payable to them, their successors and assigns, by even half-yearly payments, at the feast of the nativity of our Lord Christ, and the feast of the nativity of Saint *John Baptist* in every year, by even and equal portions for ever, until redemption thereof by parliament, according to the proviso or provisos herein after for that purpose contained, and that the said annuity or yearly sum of seventy thousand pounds, and every part thereof, shall be free from all manner of taxes, impositions or charges whatsoever.

Treasury to
sign orders
for payment
thereof.

VI. And for the better and more regular payment of the said annuity of seventy thousand pounds to the said governor and company of the bank of *England*, their successors and assigns for ever, subject to redemption as aforesaid, an order or orders shall be signed by the commissioners of the treasury now or for the time being, or any three or more of them, or the lord high treasurer for the time being, for the payment thereof; and after the signing thereof, the same shall be good, valid and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any of the said commissioners of the treasury, or the lord high treasurer, or by or upon the determination of the power, office or offices of them, or any of them, nor shall any commissioners of the treasury, or lord high treasurer now or for the time being, have power to revoke, countermand, or make void such order or orders so signed as aforesaid.

The duties to
be issued upon
the said or-
ders, as they
come in.

VII. And for the more speedy payment of the said annuity or yearly sum of seventy thousand pounds to the said governor and company as aforesaid, it is hereby declared and enacted, That weekly or otherwise, as the money of the said duties or impositions shall, from time to time, be brought into the receipt of exchequer, the same shall and may be issued upon the said order or orders, for or towards discharging the said annuity, to grow due for and at the end of the half-year in which such payment shall be made, so as such weekly or other payments,

ments, do not exceed the sum of the half-yearly payment, which should grow due for or at the end of every such half-year respectively.

VIII. And it is hereby enacted, That the said annuity of seventy thousand pounds, and every part thereof, shall be adjudged to be a personal and not a real estate, and shall not be liable to any foreign attachment; any law or custom to the contrary notwithstanding. Annuity a personal estate.

IX. And it is hereby enacted by the authority aforesaid, That if at any time or times after the twenty fourth day of *June* one thousand seven hundred and twenty eight, the produce of the said impositions on coals and culm shall be so low and deficient, as that the monies arisen therefrom into the exchequer, at the end of any of the said half yearly feasts, shall not be sufficient to pay and discharge the half-year's annuity then due and payable, according to the tenor and true meaning of this act, then and so often and in every such case, the deficiency of any such half-year shall and may be supplied out of the overplus monies of the said impositions or duties arising in any subsequent half-year; and in case at any time or times after the twenty fifth day of *December* one thousand seven hundred and twenty eight, such produce shall be so low and deficient at the end of any one year (computing the same to end at *Christmas* yearly) as that the same shall not be sufficient to pay and discharge the whole year's annuity then grown due, then every such yearly deficiency shall, from time to time, be answered and made good by and out of the first supplies, which shall be granted in parliament next after such deficiency shall appear; and in case no such supplies shall be granted within six months next after such deficiency shall happen, then the same shall be made good out of any the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses or overplus monies commonly called *The Sinking Fund* (except such monies of the same sinking fund, as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be, from time to time, issued and applied accordingly. Deficiencies to be made good out of the sinking fund,

X. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament. and replaced out of the next supplies.

XI. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said duties, at the end of any one year (computing the same to end at *Christmas* yearly) after the said annuity of seventy thousand pounds, and all arrears thereof are satisfied, or money sufficient shall be reserved for that purpose, such surplus or remainder shall, from time to time be reserved for the disposition of parliament, and shall not be issued but Surplus to be reserved for disposition of parliament.

but by authority of parliament, and as shall be directed by future act or acts of parliament; any thing in any former or other act or acts of parliament to the contrary notwithstanding.

On repayment by parliament, annuity redeemed.

XII. Provided always, and be it enacted by the authority aforesaid, That upon repayment by parliament to the said governor and company of the bank of *England*, and their successors or assigns, of the said sum of one million seven hundred and fifty thousands, without any deduction, discount or abatement whatsoever to be made out of the same, or any part thereof, and of all arrears of the said annuity or yearly sum of seventy thousand pounds, then and not till then, the said annuity or yearly sum shall from thenceforth cease and be understood to be redeemed; and from and after such redemption, the monies arising from the said impositions and duties shall not be issued or applied to any use or purpose, but as shall be directed by future act or acts of parliament; any thing in this or in any former act or acts of parliament to the contrary notwithstanding.

After 25 Dec. 1729. if payment be made to the bank not less than 500,000 l. so much of the annuity to cease.

XIII. *And in regard it is intended that the said annuity or yearly sum of seventy thousand pounds, may be redeemed by any payments not less than five hundred thousand pounds at a time, and that as the said principal money shall be paid off, the said annuity shall proportionably sink and be abated;* be it therefore provided and enacted by the authority aforesaid, That if at any time or times after the twenty fifth day of *December* one thousand seven hundred and twenty nine, payment be made to the said governor and company of the bank of *England* of any sum or sums of money (not being less than five hundred thousand pounds at a time) in part of the said principal sum at which the said annuity is redeemable, and also if payment be then also made of all arrears of the said annuity, then from and after every such payment so made, so much of the said annuity, as shall bear proportion to the monies so paid in part of the said whole principal sum, shall cease, determine, and be understood to be redeemed; any thing in this or in any former act or acts of parliament to the contrary notwithstanding.

Bank to continue a corporation till the whole sum be redeemed.

XIV. And be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall continue and be a corporation, and shall enjoy all the capacities, powers, privileges and advantages to them as a corporation belonging, until the compleat redemption of the whole of the said annuity or yearly sum of seventy thousand pounds, according to the before mentioned provisos for that purpose; any former or other statute to the contrary notwithstanding.

Bank may assign over their annuities.

XV. And for the better enabling the said governor and company of the bank of *England* at all times hereafter to support their own and the publick credit, be it enacted by the authority aforesaid, That all former powers or authorities heretofore granted to them for assigning or otherwise disposing of any annuities or capital stocks heretofore purchased by and now belonging to them,

them, shall be and are hereby revived, continued and confirmed to them; and also that the said governor and company shall or may, and they are hereby impowered, at any time or times hereafter, to assign, transfer, or otherwise to dispose of the said annuity or yearly sum of seventy thousand pounds by this act established, every or any part or parcel, parts or parcels thereof, to any person or persons, body or bodies politick or corporate, in such manner and form as the said governor and company shall think proper; subject nevertheless to such redemption by parliament as aforesaid, and without power to enlarge their capital stock by or out of the same.

XVI. And to the end, intent and purpose, that all the present charges and incumbrances on the said impositions herein before particularly stated may be regularly discharged, be it enacted by the authority aforesaid, That the commissioners of his Majesty's treasury now being, or the lord high treasurer or commissioners of the treasury for the time being, shall on or before the twenty fifth day of *June* one thousand seven hundred and twenty eight, by and out of the monies to be advanced by the said governor and company of the bank of *England* on the credit of this act, or by and out of any other monies granted to his Majesty for the service of the year one thousand seven hundred and twenty eight, provide and direct, that all the said debts and incumbrances be duly and regularly discharged, by paying to the respective proprietors thereof the several sums of money, which after the application of the produce of the said impositions and duties to that time, according to the directions of former acts of parliament, shall appear to be due for principal, interest or annuity, premium or rate, or other purposes aforesaid, and by cancelling all the said exchequer-bills; and that from and after such payment, or reserving in the exchequer money sufficient for that purpose, to be payable on demand to the proprietors of the said debts and incumbrances, all and every the said former annuities or funds, so charged on the said duties and impositions for the purposes aforesaid, shall cease and determine, and the same duties and impositions shall for ever after be discharged therefrom; any thing in any former act of parliament to the contrary notwithstanding.

XVII. *And whereas the before mentioned sum of one hundred and three thousand one hundred and forty pounds, remaining due and to be raised for completing the sum of three hundred and sixty thousand pounds by the said act of the fifth year of the reign of his said late majesty King George the First, is by the said act appointed to be raised only from time to time, as the commissioners for building the said churches should certify the same to be wanting, and the whole thereof need not be issued for some time: be it therefore enacted,* That for the making the best use thereof in the mean time for the benefit of the publick, the said sum of one hundred and three thousand one hundred and forty pounds, or so much as at *Midsummer* one thousand seven hundred and twenty eight shall remain unraised for the purposes aforesaid, shall then be taken

Treasury to discharge all incumbrances on these impositions by 25 June 1728. out of the monies advanced by the bank.

The 101,140^l. by 5 Geo. 2. c. 9. to be taken out of the money advanced by the bank, and added to the aggregate fund.

out of the said purchase money to be advanced by the said governor and company of the bank of *England*, or out of the other monies granted for the supply of the year one thousand seven hundred and twenty eight, and shall be added to the produce of the fund commonly called *the aggregate fund*, for the quarter ending at *Midsummer* one thousand seven hundred and twenty eight, and shall be issued and applied as part of the said produce, in the same manner as such produce is or shall be made applicable by act of parliament, and that such application thereof shall be deemed and taken as a regular discharge thereof within the true intent and meaning of this act.

Treasury to issue out of the growing interest of that fund, so much as shall be wanting for that service.

XVIII. And be it enacted by the authority aforesaid, That in lieu thereof the commissioners of the treasury now or for the time being, or the lord high treasurer for the time being, shall and they have hereby power from time to time to issue out of the growing produce of the said aggregate fund, such sum and sums of money as shall from time to time be wanting for the services to which the said sum of one hundred and three thousand one hundred and forty pounds was applicable, in the same manner as they were impowered to raise the same by the said act of the fifth year of the reign of his late majesty King *George the First*, so as the whole of the monies so to be issued out of the said aggregate fund, do not exceed the sum which shall have been placed to the said aggregate fund pursuant to the directions aforesaid.

9 Geo. 1. c. 6.

XIX. *And whereas by virtue of an act of parliament made in the ninth year of the reign of his said late majesty King George the First (for reviving and adding two millions to the capital stock of the South-Sea company) the whole capital stock of the said company being then computed at thirty three millions eight hundred and two thousand four hundred and eighty three pounds fourteen shillings and one half penny, was divided into two equal parts, and one moiety thereof, therein stated to amount to sixteen millions nine hundred and one thousand two hundred and forty one pounds seventeen shillings and one farthing, was to be and remain the capital stock of the said South-Sea company; and the other moiety thereof, amounting to the like sum of sixteen millions nine hundred and one thousand two hundred and forty one pounds seventeen shillings and one farthing, was converted into a joint stock, attended with annuities after the rate of five pounds per centum per annum, until the twenty fourth day of June one thousand seven hundred and twenty seven, and from thenceforth with annuities at four pounds per centum per annum, redeemable by parliament, and transferrable at the South-Sea company; and by the same act it was provided, That after the feast of the nativity of Saint John Baptist in the year of our Lord one thousand seven hundred and twenty-seven, the same stocks might be redeemed by any payments, not being less than five hundred thousand pounds at a time; and that such payments should from time to time be applied either towards discharging the principal sums which should belong to the said South-Sea company in their own right, or towards discharging the principal sum of the said South-Sea annuities, or towards discharging*

ing as well the said principal sums of the said company, as of the said South-Sea annuities, in such proportions, manner and form as, should be prescribed by the respective act or acts of parliament for furnishing such sums; therefore and to the intent that the said sum of four hundred thirty-four thousand six hundred and five pounds, herein before directed to be paid to the said South-Sea company, may be made up to a sum of five hundred thousand pounds, agreeable to the intentions of the said act of parliament, and that the application thereof may be regularly directed, be it therefore further enacted by the authority aforesaid, That at the same time as the said four hundred thirty-four thousand six hundred and five pounds shall be issued and paid to the said South-Sea company, pursuant to the directions herein before given for that purpose, there shall also be issued and paid to them, by and out of the monies which shall then be in the receipt of exchequer of the said sinking fund, the further sum of sixty-five thousand three hundred and ninety-five pounds, which together with the said sum of four hundred thirty-four thousand six hundred and five pounds, will complete and make up a sum of five hundred thousand pounds, for the redemption of a proportionable part of the annuities attending their whole principal monies, whether in capital stock or annuity stock; and that two hundred and fifty thousand pounds, being one moiety or half-part of the said sum of five hundred thousand pounds so made up as aforesaid, shall go and be applied to and in discharge of so much of the principal due to the said company, in respect of that part of their debt which remains capital stock of the said company; and the remaining two hundred and fifty thousand pounds shall go and be applied to and in discharge of so much of the principal due in respect of that part of their whole stock, as was so as aforesaid, converted into a joint stock of South-Sea annuities; and that from and after such payment as aforesaid, a proportional part of the annuities payable to the South-Sea company, whether in their own right, or in trust for the proprietors of the said South-Sea annuities, shall sink and be abated.

500,000l. of
South-Sea
stock to be
discharged,
&c.

XX. And whereas by an act of parliament made and passed in the thirteenth year of the reign of his said late majesty King George the First, For enlarging the times for hearing and determining claims by the trustees for raising money upon the estates of the late directors of the South-Sea company, and others, it was amongst other things enacted, That the court of directors of the said company should, after the twenty fifth day of March one thousand seven hundred and twenty eight, cause all and every part of the South-Sea stock and South-Sea annuities, remaining any wise in the right of, or in trust for the said company, to be divided out and distributed as near as might be, to and among the proprietors of the stock of the said company, at such time or times, and in such manner and form, as the general court of the said company should from time to time judge to be most practicable and convenient: and whereas the said company have, or are intitled in their own right, as a company, to greater sums both
of

13 Geo. 1. c. 22.

South-Sea
company to
apply the
500,000 l. to
redeem their
undistributed
stock ;

of South-Sea stock and South-Sea annuities, undistributed among their other proprietors, than the said sum of five hundred thousand pounds so made up as aforesaid, will be sufficient to satisfy or redeem ; and it would be more convenient for the said company, and for the respective proprietors of the said stock or annuities, that the said sum of five hundred thousand pounds should be applied, as far as the same will extend to the redemption and discharge of the said stock and annuities undistributed as aforesaid, preferably to the redemption of any other parts of the said stocks or annuities already distributed to the respective proprietors thereof: be it therefore enacted by the authority aforesaid, That the said South-Sea company, upon receipt of the said sum of five hundred thousand pounds so made up as aforesaid, shall apply the same in equal moieties as aforesaid, as far as the same will extend, to the discharge or redemption of such parts of the said South-Sea stock or South-Sea annuities, as at the time of such receipt shall belong to the said company, in their own right as a company, and undistributed amongst the other proprietors of such stocks or annuities, and shall not be obliged to apply or divide out any part thereof to or amongst any other the proprietors of the said stocks or annuities, towards redemption of any part of their respective shares or interests in the same stocks or annuities ; any former law or statute to the contrary notwithstanding.

and to discharge debts,
&c.

XXI. Provided always, That the monies so to be paid to the said South-Sea company, may be afterwards used or employed by the said company, to the discharging or paying any debts, dividends, or other services of the said company, in the same manner as any other monies or cash of the said company may or ought to be employed ; any thing herein, or in the said last mentioned act of parliament to the contrary notwithstanding.

7 Ann. c. 7.

XXII. And whereas in pursuance of a certain act of parliament made and passed in the seventh year of the reign of her late majesty Queen Anne, intituled, An act for enlarging the capital stock of the bank of England, and for raising a further supply to her Majesty for the service of the year one thousand seven hundred and nine, the said governor and company of the bank of England did become intituled to a certain annuity or yearly sum of one hundred and six thousand five hundred and one pounds thirteen shillings and five pence, being after the rate of six pounds per centum per annum, for or in respect of the sum of one million seven hundred seventy five thousand and twenty seven pounds seventeen shillings and ten pence halfpenny, being the amount of certain exchequer-bills by the said act directed to be delivered up by the said governor and company to be cancelled, which annuity was thereby charged on certain duties on houses therein mentioned, and was made redeemable by parliament on repayment to the said governor and company of the said sum of one million seven hundred seventy five thousand and twenty seven pounds seventeen shillings and ten pence halfpenny : and whereas by subsequent acts of parliament the said annuity was, by and with the consent of the said bank of England reduced, and particularly by an act made

21 Geo. 1. c. 9. in the eleventh year of the reign of his said late majesty King George the

the

the First, intituled, An act for continuing the several annuities of eighty eight thousand seven hundred and fifty one pounds seven shillings and ten pence halfpenny, and one hundred thousand pounds, to the bank of England until Midsummer one thousand seven hundred and twenty seven, and from thence for reducing the same to seventy one thousand and one pound two shillings and three pence three farthings, and eighty thousand pounds, redeemable by parliament, and for preventing the uttering of forged, counterfeited or erased bank bills or notes, it was amongst other things enacted, That from and after the feast-day of Saint John Baptist in the year of our Lord one thousand seven hundred and twenty seven, the said annuity should cease and determine, and the said governor and company should have and enjoy, in lieu thereof, one annuity of seventy one thousand and one pound two shillings and three pence three farthings for ever subject nevertheless to redemption by parliament, on payment to the said governor and company of the principal sum above-mentioned; and it was thereby provided and enacted, That if at any time or times payment should be made of any sum or sums of money (not being less than five hundred thousand pounds at a time) in part of the said principal sum, then from and after such payment so made, so much of the said annuity, as should bear proportion to the money so paid in part of the said principal, should cease, determine, and be abated, as by the said several acts of parliament (relation being thereunto had) more fully and at large doth and may appear: now to the intent that the sum of one million may be raised and applied towards redeeming a proportional part of the said last mentioned annuity, in the manner herein after mentioned, be it therefore enacted by the authority aforesaid, That by or out of such monies as are or shall be in the receipt of exchequer, of the surplusses, excesses or overplus monies, commonly called the sinking fund, arisen or to arise at or from the feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty eight (after payment of, or reserving sufficient to pay, such monies as have been directed by this or any former act or acts of parliament to be paid out of the said surplusses, excesses or overplus monies) there shall be issued, paid and applied to the said governor and company of the bank of England, at the said feast-day, and afterwards quarterly, from time to time as the same shall arise, such sum or sums of money as shall on such quarter-day be in the said receipt of exchequer, for or towards the redeeming the said last mentioned annuity, until the same payments shall in the whole amount to the principal sum of one million; and that as the said payments of the principal money shall be from time to time made, a proportional part of the said annuity attending thereon shall also from time to time cease and determine, for the benefit of the publick.

Out of the sinking fund to be paid to the bank for redeeming annuities quarterly till the payments amount to 1,000,000. See 2 Geo. 3. c. 3.

XXIII. Provided always, and be it enacted by the authority aforesaid, That all the monies which shall arise for the said surplusses, excesses and overplus monies commonly called the sinking fund (over and beyond what will satisfy and pay the several sums incurred be-

fore 25 Dec.
1716.

sums before mentioned, and such other charges as have been heretofore made thereon by authority of parliament) shall be appropriated, reserved and applied to and for the further discharging the principal and interest of such national debts and incumbrances, as were incurred before the twenty fifth day of December one thousand seven hundred and sixteens, and are declared to be national debts, and were provided for by act or acts of parliament, in such manner and form as shall be directed by any future act or acts of parliament, to be discharged therewith or out of the same, and to and for no other use, intent or purpose whatsoever.

XXIV. *And whereas in and by a certain act of parliament made in the thirteenth year of the reign of his said late majesty King George the First, For redeeming fundry annuities transferrable at the bank of England, it was amongst other things enacted, That certain lottery-tickets therein mentioned, amounting to one hundred and three thousand two hundred and seventy-two pounds and ten shillings, then lying as cash in the exchequer, on the head of the sinking fund, or the annuity given for the same, or any part thereof, might be assigned or transferred to such person or persons, as, being proprietors of certain standing orders made out for certain debentures for the sufferers at Nevis and Saint Christophers, should voluntarily deliver up to be cancelled the like or equal sum or sums in any of the said debenture orders; and by the same act the time for taking in such orders, in order to be cancelled, was limited to any time before the twenty fourth day of June one thousand seven hundred and twenty seven, as by the said recited act, relation thereto being had, more fully may appear: and whereas in pursuance of the said act, several of the said standing orders were satisfied and discharged by and out of part of the said sum of one hundred and three thousand two hundred and seventy two pounds and ten shillings, so lying as cash in the exchequer; but the time thereby limited for exchanging the same being too short, several persons who were and are willing and desirous to accept of the remainder thereof in satisfaction of the said debenture orders, are excluded from the benefit thereof; be it therefore enacted by the authority aforesaid, That all and every the powers, authorities and directions, given in and by the said act of parliament for or relating to the cancelling and discharging the said standing debentures, by or out of the said lottery-tickets, or the annuity given for the same, shall be and are hereby renewed, ratified and confirmed, and shall remain, continue and be in full force and effect, to all intents and purposes, until the whole of the said sum of one hundred and three thousand two hundred and seventy two pounds and ten shillings, shall be actually issued or applied to the cancelling and discharging of an equal or like principal sum in the said standing debenture orders.*

Standing orders for sufferers at Nevis and St. Christophers may be delivered up for lottery-tickets.

Præviso.

XXV. Provided always, That the person or persons who shall accept or take the annuity given for the said lottery-tickets in lieu and satisfaction of any principal sum or sums, contained in any standing order or orders to be delivered up to be cancelled, shall not be intitled to any more of the annuity attending

ing thereon, than what shall be grown due from and after the half-yearly feast day, on which the same is payable, which shall be next preceding the time of delivering up and cancelling of such debenture order or orders; to which said feast-day the interest then due on such order or orders shall be paid out of the produce of the fund, on which the same is now charged or chargeable.

XXVI. *And whereas in pursuance of an act of parliament made and passed in the first year of the reign of his late majesty King George the First, of glorious memory, intituled, An act for enlarging the fund of the governor and company of the bank of England relating to exchequer-bills, and for settling an additional revenue of one hundred and twenty thousand pounds per annum upon his Majesty, during his life, for the service of the civil government; and for establishing a certain fund of fifty four thousand six hundred pounds per annum, in order to raise a sum not exceeding nine hundred and ten thousand pounds, for the service of the publick, by sale of annuities, after the rate of six pounds per centum per annum, redeemable by parliament; and for satisfying an arrear for work and materials at Blenheim, incurred whilst that building was carried on at the expence of her late majesty Queen Anne, of blessed memory, and for other purposes therein mentioned, his said late Majesty's civil list revenues were for some time stated at Michaelmas yearly only, and the overplus, appearing by the said yearly computations above seven hundred thousand pounds per annum, was once in every year brought to the account of, and made part of the fund called the aggregate fund: and whereas by an act of parliament made and passed in the ninth year of his said late Majesty's reign, intituled, An act for redeeming certain annuities now payable by the cashier of the bank of England, at the rate of five pounds per centum per annum, the fund called the sinking fund (whereof the surplus of the aggregate fund is part) was from Michaelmas one thousand seven hundred and twenty two, directed to be computed and stated half yearly, to wit, at Lady-day and Michaelmas in every year; and the overplus of the said civil list revenues in the half-yearly states, which, since Michaelmas one thousand seven hundred and twenty two, have been made thereof, hath been brought to the account of the said aggregate fund, to and for the half year ended at Lady-day one thousand seven hundred and twenty seven and no further; for that his said late Majesty dying on the eleventh day of June one thousand seven hundred and twenty seven, his civil list revenues from and after that day ceased, and no half-yearly surplus can or ought to be computed thereon: and whereas nevertheless, some doubts and questions have been made, whether the monies remaining in the receipt of his said late Majesty's exchequer, at the time of his demise, or which have been since paid into the said receipt, arisen of or for his said late Majesty's civil list revenues, become and grown due during the life-time of his said late Majesty, could be applied to the payment of the debts due to his said late Majesty's servants, tradesmen and others; for the obviating and clearing which doubts, be it enacted and declared by the*

Debts of the
late reign how
to be paid.

authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury or any three or more of them now being, and the high treasurer or any three or more of the commissioners of the treasury for the time being, and they are hereby authorized and required, from time to time, to issue or cause to be issued, the monies so arisen or to arise into the said receipt of the exchequer, of or for the civil list revenues of his said late Majesty, for and towards discharging and paying to his said late Majesty's servants, tradesmen and others, such sums of money as were due to them at the time of his late Majesty's demise, at such times and in such manner as shall be found necessary and convenient.

C A P. IX.

An act for granting an aid to his Majesty of five hundred thousand pounds, towards discharging wages due to seamen, and for the constant, regular and punctual payment of seamen's wages for the future; and for appropriating the supplies granted in this present session of parliament; and for disposing of the surplus of the money granted for half-pay, for the year one thousand seven hundred and twenty seven.

Most gracious Sovereign,

WH E R E A S several just and necessary measures were, upon account of the late perplexed and disturbed situation of affairs in Europe, entred into and concerted between your Majesty's late royal father, of glorious memory, and your good allies; and in order to preserve and restore the peace of Europe, and to secure the trade, navigation and other valuable rights and possessions of these kingdoms, great fleets were employed abroad in divers remote parts, whereby a great arrear or debt has been contracted for the service of the navy, and particularly on the head of seamen's wages; and your Majesty having now, by the blessing of God on your care and concern for the general good, so far obtained a settlement of affairs abroad, as that there is no present occasion for employing so great number of seamen in your Majesty's service; and the immediate payment of the said arrears of wages is judged adviseable, not only as it will save and prevent a further great expence, but also as it will render a regular, constant and punctual payment of seamen's wages more practicable and easy for the future; which will be an encouragement to able and experienced seamen, at all times hereafter, to enter themselves voluntarily into your Majesty's service, when occasion shall require the same; and your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, having taken your Majesty's most gracious recommendation from the throne into their most serious consideration, have for these purposes freely and unanimously given and granted to your Majesty the sum of five hundred thousand pounds, to be raised in manner herein after mentioned; we do thereby most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent

sent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal sign manual, to authorize and empower the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the twenty fifth day of *December* which shall be in the year of our Lord one thousand seven hundred and twenty eight, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there for any sum or sums of money, not exceeding in loans and exchequer bills together in the whole the sum of five hundred thousand pounds, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by a certain act of this present session of parliament (for continuing the duties on malt, mum, cyder and perry, for the service of the year one thousand seven hundred and twenty eight) are enacted and prescribed, concerning the loans or exchequer bills to be made in pursuance of the same act,

Loans or exchequer bills to the sum of 500,000l. to be made before 25 Dec. 1728.

All clauses in the malt act to be extended to the loans and exchequer-bills to be made by this act. Loans to bear interest at 4l. per cent. These loans and bills chargeable on the first aids granted after 29 September 1728. or on the sinking fund. The monies out of the sinking fund to be replaced. EXP.

VI. And to the end, intent and purpose, that as well all arrears of seamens wages, as their growing wages, may be constantly, regularly and punctually paid, be it enacted by the authority aforesaid, That not only as to such monies, as have been granted in this session of parliament for the service of the navy, but also as to such supplies, as shall be hereafter granted in parliament for those services, such parts or proportions thereof, as shall be on the head of seamens wages, shall from time to time be issued and applied for those services constantly, regularly and punctually, in manner following; that is to say, when and so often as any of the ships of his Majesty, his heirs or successors, shall have been in sea pay six whole months, to commence or be computed from the first day of *July* one thousand seven hundred and twenty eight, or any time after, in case such ships shall then be in any port of *Great Britain*, not in order to be discharged, or on the coast of the same, the captain or commander thereof shall, immediately after the end of the said six months, make or cause to be made out, pay lists containing the names of the inferior officers, and able and ordinary seamens, belonging to the ship under his command, and shall send the said lists, so made out, to the commissioners of the navy for the time being, who are hereby directed and required to cause immediate payment to be made of two months wages to such inferior officers

All monies granted on the head of seamens wages shall be applied for those services.

The method of paying the seamens.

and able and ordinary seamen or to their respective attorney or attorneys duly authorized to receive the same, deducting thereout whatever money shall have been paid on account of the said wages by way of advance: and in case any of the said ships, that shall have been six months in sea pay as aforesaid, shall be then in any port of *Ireland*, or abroad in foreign parts, the captain or commander of such ship shall, immediately after the end of the said six months, muster his crew or company, and enter the names of such inferior officers and able and ordinary seamen who shall desire to have their wages paid at home in *Great Britain*, into pay lists as aforesaid, and shall send and transmit the said pay lists to the commissioners of the navy for the time being, who are hereby directed and required, within one month after they shall have received the said pay lists, to cause payment to be made of two months wages, with such deduction as aforesaid, to the attorney or attorneys of such person or persons duly authorized to receive the same: and the said commissioners are hereby directed and required to give timely notice in the gazette of the time appointed by them for such payment: and when and so often as any of the said ships shall have been twelve months in sea pay, then other pay lists shall be made out, sent and transmitted, and two months wages paid thereon in the manner aforesaid; and so from time to time, at the end of every ensuing six months, such pay lists shall be made out and transmitted, and two months wages paid thereon as aforesaid, until the said ships shall be finally paid off: and for the residue of their wages, the same shall be paid in manner following; that is to say, as to all such of his Majesty's ships or vessels, as shall return home in order to be laid up, the wages due to the officers and seamen serving on board of any such ship or vessel shall be entirely paid off within two months after the arrival of such ship or vessel in the port where the same is designed to be laid up: and as to all other ships or vessels in his Majesty's service, the wages due to the officers and seamen shall be paid as follows; that is to say, when such ships or vessels have been eighteen months in sea pay, then the wages due for the first twelve months thereof, deducting thereout whatever moneys shall have been before paid by way of advance or otherwise, in part or on account of the said twelve months wages, shall be paid within two months after or so soon after as any such ship or vessel shall put into any port of this realm, where his Majesty's ships are usually paid; and so *toties quoties*, as often as they shall have been eighteen months in sea pay, beyond the time to which their wages shall have been cleared, twelve months wages more shall be paid in like manner.

28 days to be reckoned to the month.

VII. And it is hereby declared, That the computation of the said months wages shall be by reckoning twenty eight days to the month, according to the usual course or practice of the navy.

Clause of appropriation.

VIII. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer either by

by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing the duties upon malt, mow, cyder and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mow, cyder and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty eight, and for making good the deficiency of a late malt act,* and so much money, if any such be, of the duties thereby granted or continued, as shall arise and remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, *premium*, or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved to discharge the same; and all the monies coming into the exchequer either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain for the service of the year one thousand seven hundred and twenty eight,* and so much money, if any such be, of the tax thereby granted, as shall arise and remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, *premium* or rate and charges thereon, and the charges thereby allowable for raising the said land-tax shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of one million seven hundred and fifty thousand pounds to be advanced by the governor and company of the bank of *England*, for the purchase of an annuity of seventy thousand pounds redeemable by parliament, and charged on certain impositions or duties on coals and culm by virtue of another act of this present session of parliament; and all the monies coming into the exchequer, either by loans or exchequer bills upon this act, and the sum of fifteen thousand seven hundred fifty seven pounds fifteen shillings, remaining in the receipt of his Majesty's exchequer on arrears of former land taxes, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents and purposes herein expressed, subject nevertheless to such restrictions as are herein after prescribed; that is to say, it is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million four hundred eighty five thousand five hundred sixty one pounds fourteen shillings and nine pence, for or towards the naval services herein after more particularly expressed; that is to say, five hundred thousand pounds, part thereof, for or towards paying off and discharging seamens wages, and the residue thereof for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea-officers, and for and towards victual, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea-services in the office of ordnance performed and to be performed, and for or towards other services of the navy performed and to be performed.

1,485,561 l.
14 s. 9 d. for
naval services.

IX. Provided always, and be it enacted by the authority aforesaid, That for the further encouragement of seamen to enter voluntarily into his Majesty's service, it shall and may be lawful for his Majesty to order and direct any sum or sums of money, not exceeding in the whole the sum of ten thousand pounds, part of the said sum of one million four hundred eighty five thousand five hundred sixty one pounds fourteen shillings and nine pence, to be issued and applied in aid of the fund already appointed for the support of the royal hospital at *Greenwich*, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country, and for enabling the commissioners of the said hospital to defray the expence of taking in and maintaining an additional number of two hundred and twenty such disabled seamen, and other expences of the said hospital for the year one thousand seven hundred and twenty eight.

197,704l. 3s.
6d. 3q. for
the office of
the ordinance
for land ser-
vices.

X. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred ninety seven thousand seven hundred and four pounds three shillings and six pence three farthings, for or towards defraying the charge of the office of his Majesty's ordnance for land-services performed and to be performed, and for defraying the extraordinary expence of ordnance stores sent to *Gibraltar*, *Port Mahon*, and additional arms delivered to the forces in the year one thousand seven hundred and twenty seven, and not provided for by parliament.

1,370,183l.
17s. 2d. 3q.
for the land-
forces.

XI. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall or may be issued and applied any sum or sums of money, not exceeding in the whole the sum of one million three hundred seventy thousand one hundred eighty three pounds seventeen shillings and two pence three farthings, for or towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum not exceeding seven hundred eighty six thousand nine hundred seventy four pounds two shillings and nine pence, for defraying the charge of twenty two thousand nine hundred fifty five men, including commission and non-commission officers, and invalids, for guards, garrisons, and six independent companies for the service of the *Highlands*, and other his Majesty's land-forces in *Great Britain*, *Guernsey* and *Jersey*, and other services relating to the forces, for the year one thousand seven hundred and twenty eight; and any sum or sums of money not exceeding one hundred fifty eight thousand and nine pounds ten shillings and eleven pence, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Placentia* and *Gibraltar*, for the year one thousand seven hundred and twenty eight; and any sum or sums of money, not exceeding ten thousand eight hundred forty seven pounds fifteen shillings, upon account

for out-pensioners of *Chelsea Hospital* for the year one thousand seven hundred and twenty eight; and any sum or sums of money not exceeding (a) fifty thousand four hundred twenty eight ^{(a) Five in the} pounds sixteen shillings and ten pence three farthings, for de- ^{record.}fraying several extraordinary expences and services incurred and not provided for by parliament, relating to the extraordinary provisions for *Gibraltar*, and for the hospital and other services at *Gibraltar*, and for transportation of forces, between the *British* and *Irish* establishments, for several *Irish* regiments serving at *Gibraltar*, and for making roads, and other services in *North Britain*; and any sum or sums of money, not exceeding fifty eight thousand pounds upon account of half-pay to the reduced officers of his Majesty's land-forces and marines for the year one thousand seven hundred and twenty eight; subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and the sum of two hundred thirty thousand nine hundred twenty three pounds eleven shillings and eight pence; for defraying the expence of twelve thousand *Hessians*, taken into his Majesty's pay, for the service of the year one thousand seven hundred and twenty eight; and any sum or sums of money, not exceeding fifty thousand pounds for one year's subsidy to the King of *Sweden*, pursuant to a treaty dated the fourteenth day of *March* one thousand seven hundred and twenty six; and any sum or sums of money, not exceeding twenty five thousand pounds for one year's subsidy to the duke of *Brunswick Lunenburg Wolfenbuttel*, pursuant to a treaty dated the twenty fifth day of *November* one thousand seven hundred and twenty seven.

XII. And it is hereby also enacted, That out of all or any ^{Sums appro-} the supplies provided as aforesaid, there shall and may be issued ^{iated for} and applied any sum or sums of money not exceeding two hun- ^{making good} dred seventy nine thousand three hundred and sixty pounds one ^{several de-} shilling and a penny three farthings, towards making good the ^{iciencies.} deficiency of the grants for the service of the year one thousand seven hundred and twenty seven, and any sum or sums of money not exceeding thirty three thousand six hundred and eleven pounds five shillings and four pence half-penny, to make good the deficiency of the fund commonly called the *general fund*, for raising seven hundred twenty four thousand eight hundred forty four pounds six shillings and ten pence one fifth part of a penny ^{5 Geo. 1. c. 9.} per annum, for the year ended at *Michaelmas* one thousand seven hundred and twenty seven; and any sum or sums of money not exceeding ninety thousand pounds, to satisfy and discharge the several principal sums due on the register for loans at the exchequer, in pursuance of an act of the fifth year of the reign of his late majesty King *George* the First (for continuing certain duties upon coals and culm, towards raising the sum of three hundred and sixty thousand pounds, granted by the said act, for building of new churches and other purposes therein mentioned) and any sum or sums of money not exceeding one hundred and three thousand one hundred and forty pounds to satisfy and discharge so much

much of the said sum of three hundred and sixty thousand pounds, granted by the said act of the fifth year of the reign of his late majesty King *George* the First, as has not been raised by loans or otherwise in pursuance of the same act; and the sum of four hundred thirty four thousand six hundred and five pounds to redeem the annuity of seventeen thousand three hundred eighty four pounds four shillings payable to the *South Sea* company, in respect of the like sum subscribed into their stock, part of the principal sum of five hundred thousand pounds, payable on the benefit tickets in the lottery established by the said act of the fifth year of the reign of his said late majesty King *George* the First, and charged on the said duties on coals and culm; and any sum or sums of money not exceeding three hundred thirty eight thousand eight hundred pounds to discharge and cancel the several exchequer bills made forth in pursuance of an act of parliament made in the thirteenth year of the reign of his late majesty King *George* the First, intituled, *An act for granting to his Majesty the sum of three hundred and seventy thousand pounds to be raised by loans or exchequer bills, to be charged on the surplus monies of the duties on coals and culm, granted by an act of the fifth year of his Majesty's reign, for a term of years, and since made perpetual.*

60,000 l. on account of engagements for securing the trade, &c.

XIII. And be it enacted, That out of the said aids or supplies, there shall and may be issued and applied any sum or sums of money not exceeding in the whole the sum of sixty thousand pounds, to perfect and fulfil the obligations his Majesty is under on account of engagements entered into and concerted for securing the trade and navigation of this kingdom, and for restoring and preserving the peace of *Europe*.

These aids not to be applied to any other use.

XIV. And be it enacted, That the said aids or supplies provided as aforesaid, shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies directed to be satisfied thereout, by any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

Rules to be observed in the distribution of half-pay.

XV. And as to the said sum of fifty eight thousand pounds by this act appropriated, on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed, shall be duly observed in the application thereof; that is to say, that no person shall have or receive any part of the same, who was a minor, under the age of sixteen years, at the time when the regiment, troop or company in which he served was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive

receive any part of the same who hath resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XVI. *And whereas by an act of parliament made in the thirteenth* ^{13 Geo. 1. c. 7,} *year of the reign of his late majesty King George the First, For continuing the duties upon malt, mum, cyder, and perry, to raise money for the service of the year one thousand seven hundred and twenty seven, and for other purposes therein expressed, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, among which any sum or sums of money, not exceeding sixty thousand pounds, upon account of half-pay, for the year one thousand seven hundred and twenty seven, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf;* now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of sixty thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers according to the said rules, by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed, or lost their limbs in the late wars, or to such others, as by reason of their long service or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

The overplus of the 60,000l. appropriated in 1727. for half-pay officers how to be disposed of.

CAP. X.

An act for the more effectual amending the highway between Hockliff and Woburn in the county of Bedford; and for repairing the road leading through Woburn to Tickford Bridge in Newport Pagnell in the county of Bucks.

The toll took place the 24th day of June 1728, and is to continue during 21 years. *Continued by* 16 Geo. 2. c. 4.

CAP. XI.

An act for repairing and amending several roads leading to and from the borough of Evesham in the county of Worcester.

The toll is to continue from 30 May 1728, during 21 years. *Continued by* 17 Geo. 2. c. 13.

CAP.

CAP. XII.

An act for repairing and enlarging the road leading from the house called the sign of the Bells in the parish of Saint Margaret in Rochester to Maidstone, and other roads therein mentioned, in the county of Kent.

Amended by
9 Geo. 3. c. 7.

The toll is to have continuance from the 24th of June 1728, for 21 years.
Continued by 21 Geo. 2. c. 8.

CAP. XIII.

An act to oblige ships coming from places infected more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark or Man; and to hinder the spreading of infection. EXP.

Ships coming from places infected to perform quarantine. Till quarantine performed, no person or goods to be brought on shore without licence, or persons to go on board, or receive goods. Persons authorized to see quarantine performed, to go off to such ship at a convenient distance, and demand of the commander the name of the ship, &c. And if the ship ought to perform quarantine, they are to oblige such ship to go to such place as shall be appointed. Commander concealing persons infected, guilty of felony, not making a true discovery forfeits 200 l. quitting the ship, or permitting passengers so to do, &c. or not conveying ship and lading to the place for quarantine, forfeits 500 l. Persons quitting the ship may be compelled to go on board, &c. Ships or lazarets to be provided. Proper officers to compel persons and their goods to repair to such ships or lazarets. Not repairing to such place, watchmen may by force compel them. Persons refusing to repair or escaping guilty of felony. Persons not infected entering such ship, &c. may be compelled to perform quarantine. After quarantine performed, on oath that the ship is free from infection, the customer, &c. shall certify the same, and the ship, &c. liable to no further restraint. After quarantine performed, goods to be aired and discharged. Officer or watchman suffering persons or goods to be conveyed away without licence, guilty of felony. When England, &c. shall be infected, his Majesty may restrain small boats under 20 tons from sailing out of any port without security, &c. His Majesty by proclamation to be issued before 24 June 1729, may prohibit commerce between his subjects and places infected. And may prohibit any person to come from places infected into these dominions. Going to a place infected forfeits 500 l. In all proclamations for prohibiting commerce, a reasonable time to be allowed before the prohibition. Attainder on this act not to corrupt blood, &c. Act to commence from 1 June 1728, and be in force two years, and to the end of the next session of parliament. See 26 Geo. 2. c. 6.

CAP. XIV.

An act for encouraging seamen to enter into his Majesty's service.

WHEREAS nothing will more effectually contribute to the promoting and advancing the naval strength of this kingdom, than the endeavouring by due and fitting encouragements to invite mariners and seamen to enter willingly into the service of their country, as often as occasion shall require; and whereas his Majesty, out of his princely concern for the increase and encouragement of his seamen, hath been most graciously pleased to recommend the same from the throne, as a consideration of the greatest importance: be it therefore enacted by the King's most excellent Majesty, by and with
the

the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the first day of July which will be in the year of our Lord one thousand seven hundred and twenty eight, if any seaman or able bodied landman shall freely and voluntarily come before and enter his name with any commission officer or officers of the fleet to be appointed for entering such volunteers, in order to serve in or on board any of the ships or vessels of his Majesty, his heirs and successors, then sitting out for sea, or that shall be in want of men, and shall receive a certificate of his so doing from such commission officer or officers (who are hereby directed and required to make out and give such certificate *gratis*, and without fee or reward, and duly to date the same) and if such person shall forthwith proceed towards such ship, and shall make his personal appearance on board the same within the space of fourteen days from the day of the date of such certificate, inclusive of the day of the date thereof, if the place where he so enters his name such ship lies, or within the space of twenty days if it be at a greater distance, or within the space of thirty days, if the place where he so enters his name be above two hundred miles distant; then and in such case every such person shall be and is hereby declared to be intitled to wages from the day of the date of such certificate, inclusive of the day of the date thereof, and shall also be allowed the usual conduct money, and be paid an advance of two months wages, before the ship, in which he shall be rated and serve, goes to sea.

After 1 July 1728. Volunteer entering his name with an officer of the fleet, to serve on board any ship.

and making his personal appearance, on board, &c.

shall be intitled to wages from the date of his certificate, and be allowed conduct money, and two months wages.

II. And be it further enacted, That if any inferior officer or able and ordinary seaman, shall die in the service of his Majesty, his heirs or successors, the captain or commander of the ship, in which he served at the time of his death, shall immediately, or as soon as conveniently may be after his death, make out a ticket for the pay due to the person so dying, at the time of his death, and shall send or transmit the said ticket so made out, by the first and safest opportunity, to the commissioners of the navy for the time being, for the use of the executors or administrators of such person so dying; and the said commissioners are hereby directed and required to cause the money due upon such ticket to be forthwith paid to the said executors or administrators, or to their respective attorney or attornies, duly authorized in such manner, as is herein after appointed to receive the same, without tarrying for the return of the ship to which the person so dying did belong, or the general pay thereof.

Inferior officer or seaman dying, commander to make out a ticket of his pay.

to be forthwith paid.

III. And be it further enacted, That in case any inferior officer or volunteer, shall be turned over from one ship into another, then and in such case, such person so turned over shall not serve or be rated in a worse quality, or lower degree or station than he served in or was rated for in the ship from which he was turned over; and shall receive, over and above such wages as are then due to him, an advance of two months wages before the ship, into which he is turned over, proceeds to sea.

Volunteer turned over, not to serve in a worse quality than in the former ship; and have two months pay advanced.

The removal of the whole crew not to be construed a turning over.

IV. Provided always, That if any ship be hindred by any accident from going to sea, the removal of the whole crew or company of such ship, together with their officers, into another ship, shall not be construed or taken to be a turning over within the meaning of this act.

No person deserting to forfeit more than was due to him in that ship.

V. And be it further enacted, That no person in sea pay, that shall withdraw himself from or desert the service of his Majesty, his heirs or successors, shall forfeit any more of the pay or wages due to him, than so much thereof as was due to him for his service in the ship from whence he withdrew himself or deserted; and that no ticket or tickets made out or that shall be made out for the pay or wages of any seamen, shall be forfeited or stopt by his withdrawing himself or deserting, after the making out of such ticket, but the same shall be duly paid.

Not to alter the punishment 13 Car. 2. stat. 2. C. 9. appointed for deserters.

VI. Provided nevertheless, That nothing in this act contained shall extend to take away or alter the punishment appointed by an act made in the thirteenth year of the reign of King Charles the Second, for such captains, officers and mariners as shall desert the service of his Majesty, his heirs or successors, in his ships, or entice any others so to do.

Bargains for seamens pay, after 1 Sept. 1728, void.

VII. *And whereas many persons encouraging the extravagance and taking advantage of the necessities of seamen, have made great and unreasonable profit to themselves by anticipating, bargaining for or purchasing the pay or wages due or to grow due to seamen, to the impoverishment and utter ruin of such seamen and their families: be it enacted,* That all and every bargain, sale, bill of sale, contract, agreement and assignment whatsoever, of, for or concerning any pay, wages or allowances of money of any kind, due or to grow due to any seaman or seamen in the service of his Majesty, his heirs or successors, for such service, which shall be made or entred into, from and after the first day of September which shall be in the year of our Lord one thousand seven hundred and twenty eight, shall be and is, and are hereby declared to be void and of none effect, to all intents and purposes whatsoever; any law, statute, custom or usage to the contrary thereof in any wise notwithstanding; and the treasurer of the navy for the time being is hereby authorized, directed and required to pay, or cause to be paid to all such seamen as shall appear in person at the pay table, or, in their absence, to the lawful attornies impowered by them, in the manner as is herein after directed, or to the executors or administrators of such seamen, or to their respective attorney or attornies duly authorized, in such manner as is herein after directed, the respective pay, wages or allowances of money of any kind due to them, without regard to any bargain, sale, bill of sale, contract, agreement or assignment whatsoever, made or to be made, of, for or concerning any such pay, wages or allowances of money of any kind, from and after the said first day of September which shall be in the year of our Lord one thousand seven hundred and twenty eight.

VIII. Pro-

VIII. Provided always, and be it enacted, That this act or any thing herein contained, shall not extend or be construed to discharge any seaman of or from any debt or debts which he has already contracted or may hereafter contract, or to invalidate or make void the sale or sales of any ticket or tickets that is, are or shall be made out for pay, wages or other allowances of moneys of any kind, to such person or persons as shall be in possession of such ticket or tickets; but such sale and sales shall be as good, valid and effectual as they were before the making of this act, and as if this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

IX. Provided also, That this act or any thing herein contained shall not extend or be construed to extend to invalidate or make void any indenture or indentures, whereby any master is or shall be intitled to have or receive the pay, wages or other allowances of money earned by his apprentice; but such pay, wages or other allowances shall be paid by the treasurer of the navy for the time being, or by his direction, according to such indenture or indentures, as has been usual in such cases, so as such apprentice or apprentices were not above the age of eighteen years, at the time such indenture or indentures were made and executed, in which case no pay, wages or allowances shall be paid by the treasurer of the navy or by his directions, according to such indenture or indentures; any thing therein contained to the contrary thereof in any wise notwithstanding.

X. And be it further enacted, That from and after the first day of *September* which shall be in the year of our Lord one thousand seven hundred and twenty eight, no letter of attorney made by any seaman or seamen, in the service of his Majesty, his heirs or successors, or by the executors or administrators of any such seaman or seamen, in order to impower and intitle any person or persons to receive any pay, wages or allowances of money of any kind, due or to grow due for such service, shall be good and valid, or sufficient for that purpose, unless such letter of attorney be made revocable, and be signed before, and attested by the captain or commander, and one other of the signing officers of the ship to which such seaman or seamen, who make the same, belong, or the clerk of the cheque of some of the dock yards, or the mayor or chief magistrate of some corporation.

XI. And be it further enacted by the authority aforesaid, That when and as often as any of the pay books of the ships belonging to his Majesty, his heirs or successors, shall be closed, such seamen as shall not then receive or have received the pay, wages, or other allowances of money due to them, shall, upon application made by them to the commissioners of the navy for the time being, have and receive bills or tickets made out to them to the value of the said pay, wages or other allowances due to them respectively; and the said commissioners are hereby directed and required to make out the said bills or tickets accordingly,

Not to discharge any seamens debts, or to make void the sale of any ticket,

or to make void any indenture, whereby any master is intitled to his apprentice's wages.

Exception.

No letters of attorney good, unless made revocable, and be signed by the captain, &c.

When the pay books are closed, seamen who have not received their pay, to have tickets made out to them to the value of their pay.

ly, and to cause the same to be dated, numbred, registred and paid in course not exceeding one month after the date thereof.

Consuls, &c. in foreign parts to provide for seafaring men driven to their coasts.

XII. And be it further enacted, That the governors, ministers and consuls appointed or that shall be appointed by his Majesty, his heirs or successors, in foreign parts, and residing there, or, where none such are resident, any two or more *British* merchants then and there residing, shall be and are hereby authorized, directed and required to send and provide for all seafaring men and boys, subjects of *Great Britain*, that shall by shipwreck, capture or other unavoidable accident be driven or cast away to such foreign parts or places where such governors, ministers, consuls or merchants reside; and the said governors, ministers, consuls and merchants are hereby required to provide for and subsist such seafaring men and boys, at or after the rate of six pence *per diem* each, and to send bills of their several disbursements upon such occasions, together with proper vouchers for the same, to the commissioners of the navy for the time being, who are hereby directed and required to cause immediate payment to be made of such bills and disbursements, after due examination of the said vouchers; and the said governors, ministers, consuls and merchants shall put or send the said men or boys on board the first ship belonging to his Majesty, his heirs or successors, that shall arrive at the parts or places where they reside, or any other parts or places being near or within a convenient distance for that purpose; or in case no ship of war shall be then in such parts or places, or within a convenient distance, they shall send their said men or boys on board such merchant ships or vessels as are bound for any port in *Great Britain*, and are in want of men to make up their complement; but if neither case happens within a convenient time, then they shall provide and order a passage homeward for such men and boys in the first merchant ship or vessel bound for *Great Britain*; and every master or person having charge of a merchant ship or vessel that shall arrive in such foreign parts, and be homeward bound from thence to any port in *Great Britain*, shall be and is hereby required to take on board such and so many of such seafaring men or boys as the said governors, ministers, consuls or merchants shall direct, not exceeding four for each one hundred tons of which his ship consists.

Commissioners of the navy to pay the charges.

Consuls, &c. to send home such seamen by the first ships.

XIII. *And for an encouragement for such masters of ships or vessels to take such seamen or boys aboard, and bring them to Great Britain:* be it enacted, That every such master or person having charge of a ship or vessel, who shall produce a certificate under the hands of the said governors, ministers, consuls or merchants, or any of them, certifying the number and names of the men or boys taken on board by their direction, and the time of taking them on board, and shall make an affidavit at his return, setting forth the time during which he subsisted such men or boys, and that he did not, during that time, want of his own complement of men, or how many he did want of such complement, and for what time, shall receive from the commissioners

Masters of ships to have 6d. per diem for the passage of such seamen.

missioners of the navy for the time being (who are hereby required to cause the same to be paid) six pence *per diem* for the passage and provisions of each man and boy, from the day of their embarkation homewards, to the day of their arrival in *Great Britain*, or being put into some ship of war; six pence *per diem* only being deducted for such time, and so many persons as he wanted of his complement during his voyage.

XIV. Provided always, That nothing in this act contained shall extend or be construed to lessen or take away the allowances or other advantages made or appointed to or for any seaman that is or shall be in the service of his Majesty, his heirs or successors, by any law or statute now in force, or by the custom or usage of the navy.

Not to take away other advantages to seamen.

XV. *And to prevent for the future, as far as may be, any unjust or fraudulent arrests upon seamen actually belonging to any of his Majesty's ships, whereby his Majesty and the publick may be deprived of their service:* be it enacted by the authority aforesaid, That no person whatsoever who shall list and enter himself to serve his Majesty, as a seaman on board any of his Majesty's ships or vessels, shall be liable to be taken out of his Majesty's service by any process or execution whatsoever, other than for some criminal matter, unless for a real debt, or other just cause of action, and unless, before the taking out such process or execution, not being for a criminal matter, the plaintiff or plaintiff's therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court, out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, That to his or their knowledge, the sum justly due and owing to the plaintiff or plaintiffs, from the defendant or defendants in the action, or cause of action, on which such process shall issue, or the debt or damage and costs, for which such execution shall be issued out, amounts to the value of twenty pounds at the least, a memorandum of which oath shall be marked on the back of such process or writ, for which memorandum or oath no fee shall be taken. And if any person shall be nevertheless arrested, contrary to the intent of this act, it shall and may be lawful for one or more judge or judges, or such court upon complaint made thereof by the party himself or by any his superior officer to examine into the same by the oath of the parties or otherwise, and by warrant under his or their hands and seals to discharge such seaman so arrested contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them, that such seaman so arrested was actually belonging to one of his Majesty's ships or vessels, and arrested contrary to the intent of this act, and also to award to the party so complaining, such costs as such judge or judges shall think reasonable, for the recovery whereof he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the said action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendant in the said action.

No seaman shall be liable to be taken out of his Majesty's service, otherwise than for some criminal matter, unless the debt amounts to 20 l.

XVI. *And to the end that honest creditors who aim only at the recovery of their just debts due to them from such seamen as are actually belonging to some of his Majesty's ships, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits, and instead of an arrest, which may hurt the service, and occasion a great expence and delay to themselves, may be enabled to proceed in a more speedy and easy method: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any plaintiff and plaintiffs, upon notice first given in writing of the cause of action to such seaman or seamen in his Majesty's service, or left at his or their last place of residence, before his entering into his Majesty's service, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to intitle such plaintiff or plaintiffs to proceed therein to judgment and outlawry, and to have an execution thereupon, other than against the body or bodies of him or them so actually belonging to one of his Majesty's ships as aforesaid; this act or any thing herein, or any former law or statute to the contrary notwithstanding.*

Plaintiff may enter a common appearance, and proceed to judgment, &c.

C A P. XV.

An act for making provision for the rector of the new church situate near Millbank, in the parish of Saint Margaret Westminster, and for other purposes therein mentioned.

2,500l. allotted for the rector of the new church near Millbank. Treasurer to lay out that sum in purchasing lands, &c. in fee simple, for the use of the rector. Chargeable with 52 l. 10 s. per annum to Dr. Brodrick, officiating minister at the new chapel near Tuttle Fields. Till some purchase be made, the money to be placed out on real securities, or publick funds. 125 l. per ann. to be raised by an equal pound rate on the inhabitants. Rector, churchwardens and vestry to make the assessment, and to make good deficiencies on any former assessments, on forfeiture of 100 l. Assessments to be allowed by two justices. Vestry to choose collectors. Collectors to pay the rector quarterly. Persons aggrieved may appeal to the quarter-sessions. The interest of 2,500 l. laid out, and the 125 l. per ann. by a pound rate, shall be the annual maintenance of the rector, besides surplice fees, and house. Subject to pay 17 l. 8 s. 11 d. per ann. to the curate of the old parish church. Dr. Gee to have the surplice fees, and the annual interest of 2,500 l. on providing ministers to officiate in the new church. When the curacy shall become vacant, the provision hereby made shall be enjoyed by the rector and successors for ever. Subject to pay 52 l. 10 s. per ann. to Dr. Brodrick, and 17 l. 8 s. 11 d. per ann. to the curate of the old church. Churchwardens not to dispose of Pews, but by consent of vestry. If churchwardens and vestry on Easter Tuesday shall allot the annual sum or any part, and pay it to the rector, then only so much shall for that year be raised as will make up that sum. The rectory shall not be held in commendam. The parish clerk shall be a member of the corporation of parish clerks.

C A P. XVI.

An act for removing doubts concerning the additional duty of two pence per gallon upon low wines and spirits of the first extraction, from foreign materials; and for obviating questions relating to appeals in matters of excise; and for appointing the number of commissioners of excise, who may bear causes depending before them.

22 W. 3. c. 12.

WHEREAS by an act of parliament made and passed in the twelfth year of his late majesty King William the Third, intituled,

intituled, An act for granting to his Majesty several duties upon low wines or spirits of the first extraction; and continuing several additional duties upon coffee, tea, chocolate, spices and pictures, and certain impositions upon hawkers, pedlars and petty chapmen, and the duty of fifteen *per centum* upon mullins, and for improving the duties upon japaned and laquered goods, and for continuing the coinage duty, for the several terms and purposes therein mentioned, *it was enacted, That from and after the twenty fourth day of March in the year of our Lord one thousand seven hundred, and until the twenty fifth day of March one thousand seven hundred and six, there should be paid, by way of excise, unto his Majesty, his heirs and successors, for all low wines or spirits of the first extraction, made or drawn by any distiller or other person making or drawing spirits or strong waters for sale or exportation, within the kingdom of England, dominion of Wales and town of Berwick upon Tweed, the rates and duties therein mentioned, over and above the duties payable for spirits perfectly made, and particularly for every gallon of low wines or spirits of the first extraction, made or drawn from any foreign or imported materials, or any mixture therewith, four pence: and whereas by one other act of parliament made and passed in the third year of the reign of her late majesty* 3 Ann. c. 4. *Queen Anne, intituled, An act for continuing duties upon low wines and upon coffee, tea, chocolate, spices and pictures, and upon hawkers, pedlars and petty chapmen, and upon mullins, and for granting new duties upon several of the said commodities, and also upon callicoes, china ware and drugs, the aforesaid duties on low wines or spirits of the first extraction, were continued from the twenty fourth day of March one thousand seven hundred and six, until the twenty fourth day of June one thousand seven hundred and ten: and whereas by one other act of parliament made and passed in the fourth year of the reign of her late majesty* Queen 4 Ann. c. 122 *Anne, intituled, An act for laying further duties on low wines, and for preventing the damage to her Majesty's revenue by importation of foreign cut whalebone, and for making some provisions as to the stamp duties, and the duties on births, burials and marriages, and the salt duties, and touching million lottery tickets; and for enabling her Majesty to dispose of the effects of William Kidd, a notorious pirate, to the use of Greenwich hospital; and for appropriating the publick monies granted in this session of parliament, it was amongst other things enacted, That for every gallon of low wines or spirits of the first extraction, which at any time or times, during the term of five years, to commence from the twenty fourth day of March one thousand seven hundred and five, should be made or drawn from any foreign materials, or any mixture with foreign materials, there should be paid and payable to her Majesty, her heirs and successors, over and above all other duties charged or chargeable thereupon by the said last mentioned or any other act or acts of parliament, the sum of two pence, to be paid by the distillers or makers thereof: and whereas by an act of parliament made and passed in the fifth year of the reign of* 5 Ann. c. 19. *her late majesty Queen Anne, intituled, An act for continuing the*

duties on low wines and spirits of the first extraction; and the duties payable by hawkers, pedlars and petty chapmen; and part of the duties on stamped vellum, parchment and paper; and the late duties on sweets; and the one third subsidy, of tunnage and poundage; and for settling and establishing a fund thereby, and by the application of certain overplus monies, and otherwise, for payment of annuities, to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and seven, and other uses therein expressed, it is enacted, That all and every such or the like duties for and upon all low wines or spirits of the first extraction, as by the aforesaid act of parliament made and passed in the third year of her said late Majesty's reign, were continued or granted until the twenty fourth day of June one thousand seven hundred and ten, should, by virtue of the said act of parliament made and passed in the said fifth year of the reign of her said late Majesty, be further continued, and be paid and payable to her said late Majesty, her heirs and successors, for and upon all low wines and spirits of the first extraction, to be made or drawn by any distiller or other persons making or drawing spirits or strong waters for sale or exportation within the kingdom of England, dominion of Wales or town of Berwick upon Tweed, from the twenty third day of June which should be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years, from thence next and immediately ensuing, for the uses and purposes expressed in the said act of parliament made and passed in the fifth year of the reign of her said late Majesty: and whereas it was the true intent and meaning of the said last mentioned act, to continue all the said duties on low wines and spirits of the first extraction, granted by any of the said recited acts, from the respective times of the expiration of them, until the end of the term of ninety and six years, therein limited and expressed: and whereas some doubts and questions have nevertheless been made, whether the additional duty of two pence per gallon on low wines and spirits of the first extraction, given and granted by the said act made and passed in the fourth year of the reign of her said late Majesty, be continued by the said act made in the fifth year of the reign of her said late Majesty, and is to continue for the term therein mentioned; for the obviating and clearing which doubts, with regard as well to the time past as to come; and for the acquitting, discharging and indemnifying all persons whatsoever, who have any way acted or been concerned in the charging, collecting, paying or receiving the said duty of two pence per gallon, on such low wines and spirits of the first extraction, or who shall be concerned, or act in the charging, collecting, paying or receiving the same for the future, and for the supporting and establishing the fund, by the said last mentioned act of parliament intended to be created for the securing such annuities, as should be purchased pursuant to the said last mentioned act of parliament; and for the explanation of the said act: be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and

and commons, in this present parliament assembled, and by the authority of the same, That the said additional duty of two pence *per* gallon, for and upon all low wines or spirits of the first extraction, drawn from any foreign or imported materials, or any mixture with foreign materials, given and granted by the said recited act of parliament made and passed in the fourth year of her said late Majesty's reign, from the twenty fourth day of *March* one thousand seven hundred and five, for the term of five years, was by the said recited act, made and passed in the fifth year of her late Majesty's reign, intended to be continued, and shall and ought to be and continue from the twenty third day of *June* one thousand seven hundred and ten, for the term of ninety six years, from thence next and immediately ensuing; and shall and ought to be paid and payable to his Majesty, his heirs and successors during the said term, for the uses and purposes in the said act made in the fifth year of her said late Majesty's reign expressed; and shall be levied and collected during the said term, by the like powers and authorities, and under the like rules, directions, penalties and forfeitures, as in and by the said act made in the fifth year of her said late Majesty's reign, are expressed and provided, in respect of the several duties of excise thereby continued; and that all persons whatsoever, who have been concerned, or who have acted in the charging, collecting, paying or receiving the said duty of two pence *per* gallon for such low wines and spirits of the first extraction as aforesaid, are and shall respectively by virtue of this act be acquitted and discharged and indemnified in respect thereof.

II. Provided always, That no distiller or distillers, or maker or makers of spirits or strong waters for sale or exportation shall, for or by reason of this present act of parliament, or of any thing herein declared or contained, be subject or liable to any penalty or forfeiture, for or on account of his, her or their having omitted or neglected to pay the said duty of two pence *per* gallon on low wines or spirits of the first extraction, made or drawn from any foreign or imported materials, or any mixture therewith, at any time before the first day of *June* one thousand seven hundred and twenty eight; but that all and every of them respectively shall be and are hereby acquitted and discharged from all such penalties and forfeitures, and shall be liable to be sued or prosecuted only for the single duties so omitted or neglected to be paid, at any time before the said first day of *June* one thousand seven hundred and twenty eight.

III. *And whereas in an act of parliament made in the sixth year of the reign of his late majesty King George the First, of glorious memory intitled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office, and house-money, a clause is contained concerning the forfeiture and seizure of sweets, which from and after the first day of August in the year of our Lord one thousand seven hundred and twenty, should be sent or removed from one place to another without certificates from the proper officers of excise, in which clause some general words are mentioned concern-*

The additional duty of 2d. per gallon on low wines drawn from foreign materials to continue from 23 June 1710. for 96 years. 1 Geo. I. c. 13. sect. 8.

To be levied as by the act 5 Ann. c. 19.

Distillers not liable to penalties for not paying the said duty, before 1 June 1728.

6 Geo. I. c. 21,

ing other forfeitures to be made from and after the said day, by virtue or in pursuance of any act or acts whatsoever relating to the duties of excise, or any other duty or duties under the management of the commissioners of excise, upon which words a doubt hath arisen, whether by the generality thereof the right and liberty of appealing to the commissioners of appeals, from judgments given by the commissioners of excise, in causes and prosecutions on account of forfeitures and offences relating to the duties of excise, and the jurisdiction and power of the commissioners of appeals to hear and determine such appeals, and also the right and liberty of appealing to the justices assembled at the respective quarter-sessions of the peace, in cases where judgment or judgments happen to be given by two or more justices of the peace in causes and prosecutions before them, for or on account of forfeitures and offences respectively relating either to the duties on malt, or to the duties on hides and skins, tanned, tawed or dressed, and upon vellum and parchment, be not taken away and repealed: now for preventing and avoiding all such doubts and questions, and declaring and re-establishing the right and liberty of appealing in the respective cases before mentioned, be it further enacted and declared by the authority aforesaid, That neither the said act of the sixth year of his said late Majesty's reign, nor any clause, matter or thing therein contained, did or doth extend, or shall be construed to extend, or to have extended to take away, repeal or alter the right and liberty of appealing in the respective cases before mentioned, or in any of them; and the right and liberty of appealing in the respective cases before mentioned, and the several jurisdictions and powers, as well of the commissioners of appeals, as of the justices of the peace assembled in their respective quarter-sessions, now is and are, and ought to continue and be in the same plight and condition, as the said right, liberty, jurisdictions and powers respectively was and were before the making the said act of the sixth year of his said late Majesty's reign; and that appeals already brought, or hereafter to be brought in the respective cases before mentioned, which have happened since the passing the same act, are and stand in the same plight and condition, as they respectively would have done in case the said act had never been made; the aforesaid act, or any other law, statute, provision or usage to the contrary thereof in any wise notwithstanding.

IV. *And whereas complaints and informations, which at the chief office in London for the duties of excise, and other duties there managed, are exhibited and commenced, either by traders and dealers in the commodities respectively liable to such duties, who apprehend themselves to have been overcharged, or by prosecutors and informers against such traders and dealers, for offences or facts by them committed or incurred, either by their having omitted to do things, which by the laws relating to the said respective duties they are required to do, or by their having done other things contrary to the said respective laws, cannot be heard, adjudged and determined with the like dispatch, ease and convenience to the parties concerned therein, as might be done in case the same were to be heard, adjudged and determined by a less*
number

Right of appealing confirmed.

number of the commissioners for the said duties for the time being, than a majority of them: and whereas such complaints and informations happening by the means aforesaid to remain and continue in suspense and undetermined, is discouraging and disadvantageous to the parties concerned therein: for remedy thereof, be it enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and twenty eight, all such complaints and informations as aforesaid, either of the one or the other sort, which before the said twenty fourth day of June one thousand seven hundred and twenty eight shall not be heard, adjudged and determined, but shall then, or at any time after, be depending at the said chief office, shall and may be heard, adjudged and determined by any three or more of such commissioners for the time being, and that it shall be sufficient in the written account or record of such proceedings to mention, that such complaint or complaints, information or informations, are made and exhibited to and before three of such commissioners, without particularly mentioning or expressing the christian and surnames of such three commissioners for the time being; and that every such adjudication and determination of such three or more of such commissioners for the time being, shall and hereby is declared to be as good and valid in the law, and of the same force and effect, to all intents and purposes whatsoever, as if such adjudication and determination had been by all, or the majority of such commissioners for the time being; any law or statute to the contrary in any wise notwithstanding.

After 24 June 1728. complaints may be determined by three commissioners of excise.

V. And be it further enacted by the authority aforesaid, That all and every such adjudication and adjudications, determination and determinations, shall and may, from and after the said twenty fourth day of June one thousand seven hundred and twenty eight, be executed by virtue of a warrant or warrants under the hands and seals of any three commissioners for the time being, whether such commissioners setting their hands and seals to such warrant or warrants shall or shall not happen to be the particular commissioners, by whom such adjudication or determination shall be made, or whether such three commissioners, so setting their hands and seals to such warrant or warrants, were commissioners at the particular time or times when such adjudication or adjudications, determination or determinations as aforesaid shall happen to be made; provided that the persons so setting their hands and seals to such warrant or warrants, at the time and times of such their setting their hands and seals thereto, actually are such commissioners; any law, statute or usage to the contrary in any wise notwithstanding.

All adjudications may be executed by warrant of three commissioners.

CAP. XVII.

An act for repealing the present duties on wine lees and lignum vitæ, and laying new duties on wine lees; and for prohibiting the importation of wine in flasks, bottles, or small casks; and for preventing frauds in exporting silk manufactures, and for supplying the want of regular certificates of such manufactures being landed in foreign parts, where such certificates cannot be had; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts.

Most gracious Sovereign,

WHEREAS in the book of rates annexed to the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, a particular rate of four pounds per ton was fixed upon wine lees imported: according to which rate a subsidy of twelve pence in the pound was thereby payable to his Majesty; and whereas according to the said rate a further subsidy of poundage of twelve pence in the pound on wine lees imported, was granted to his present Majesty for his life (which God long preserve) by an act made in the first year of his Majesty's reign: and whereas by an act made in the second year of her late majesty Queen Anne, another subsidy was granted on the importation of wine lees, in proportion to the said rate, commonly called the one third subsidy; and by an act passed in the third year of her said late Majesty, another subsidy of poundage was granted on the importation of wine lees in proportion to the said rate, commonly called the two third subsidy; and whereas by an act made in the fourth year of the reign of their late majesties King William and Queen Mary, an additional impost of twenty five pounds for every hundred pound value, was laid upon French wine lees imported, according to the said rate; and whereas by an act made in the seventh year of the reign of his late majesty King William the Third, an additional duty of twenty five pounds per centum was laid upon French wine lees imported; all which acts which granted the said several subsidies, and other duties commonly called the old subsidy, the one third subsidy, and the two third subsidy (except the said further subsidy which is granted to his Majesty during his life) as also the said additional impost and additional duty, are by several subsequent acts of parliament continued for ever, subject to redemption by parliament: and whereas great quantities of wines have of late been imported, mixed with, and under pretence of lees, which were afterwards drawn off, and sold as wine, to the manifest abuse of the law, and prejudice of the revenue; for remedy whereof, we your faithful commons in parliament assembled, do beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from

from and after the twenty fourth day of *August* in the year of our Lord one thousand seven hundred and twenty eight, the said several subsidies, additional impost, additional duty, and other duties whatsoever, payable to your Majesty, your heirs and successors, by any law now in force, upon the importation of wine lees, shall cease and determine, and be no longer due and payable for wine lees imported after that time.

After 24 Aug. 1728. the present duties on wine lees shall cease.

II. And be it further enacted by the authority aforesaid, That in lieu of the said former subsidies, and other duties repealed by this act, all wine lees imported into *Great Britain*, from and after the said twenty fourth day of *August*, shall be subject and liable to, and shall pay the same subsidies, impositions, and other duties, as are now payable to your Majesty, your heirs and successors, on the importation of wines into this kingdom, by any act or acts of parliament now in force, according to the several and respective growths thereof.

Wine lees imported to pay the same duties as wine.

III. And be it further enacted by the authority aforesaid, That the several subsidies, impositions, and other duties granted by this act, shall be paid or secured, and shall be raised, levied and collected in such manner and form, and by such ways and means, and under such penalties and forfeitures, and with such discounts and allowances, as are mentioned and expressed in the several acts of parliament, which granted or continued the several subsidies, impositions, or other duties upon wines imported respectively; and all powers, penalties, provisions, articles and clauses therein contained, shall continue in full force and effect during the continuance of the said respective subsidies, impositions, and other duties upon wines, and shall be applied, practised and executed for the raising, levying, collecting, securing, answering, paying and appropriating the said respective subsidies, impositions, and other duties on wine lees imported, according to the true intent and meaning of this act, as fully and effectually, to all intents and purposes, as if the said clauses, matters and things, had been again repeated in the body of this present act; any law, custom or usage to the contrary in any wise notwithstanding.

How these duties shall be secured.

IV. And be it declared and enacted by the authority aforesaid, That no drawback shall be allowed for any lees of wine exported; any law, custom or usage to the contrary notwithstanding.

No drawback for wine lees.

V. And whereas by an act passed in the eighth year of the reign of his late majesty King George the First, intituled, An act giving further encouragement for the importation of naval stores, and for other purposes therein mentioned, liberty is given for any person or persons to import into *Great Britain*, within the term of one and twenty years, to be reckoned from the twenty fourth day of June one thousand seven hundred and twenty two, directly from any of his Majesty's plantations or colonies in *America*, in any ship or vessel, ships or vessels, which may lawfully trade to and from the said plantations or colonies, and which shall be navigated according to law, any sort of wood, plank or timber whatsoever, wrought or unwrought, or

§ Geo. I. c. 12.

any

any of the goods called lumber, in the said act enumerated, being of the growth and product of the said plantations or colonies, or some of them (except masts, yards and bowsprits) free from all customs and impositions whatsoever granted to his said Majesty, his heirs or successors: and whereas lignum vitæ being of the growth or product of the British plantations in America, is for the most part made use of by turners, in making bowls, cups, and other necessaries, and particularly in making blocks, pulleys, and sheaves for ships, and shuttles for weavers; and forasmuch as some doubt has arisen whether lignum vitæ, which is rated in the book of rates to pay duty as a drug, is within the intent and meaning of the said act, though very small quantities thereof are made use of physically: be it further enacted by the authority aforesaid, That such lignum vitæ imported, or to be imported on the conditions mentioned in the said act, after the twenty fourth day of June in the year of our Lord one thousand seven hundred and twenty eight, shall during the remaining term of the said one and twenty years, be free from all customs and impositions whatsoever, granted to his Majesty, his heirs or successors, as if the same had been mentioned and expressed in the body of the said act; any law, custom or usage to the contrary notwithstanding.

Lignum vitæ
after 24 June
1728. free of
duty.
24 Geo. 2. c. 57.

Bonds for an-
swering the
duties dis-
charged.

VI. And whereas upon the aforesaid doubt, whether lignum vitæ, of the growth and product of the British plantations in America, might be imported into this kingdom free of duty, several bonds and deposits have been taken for answering the duties demanded for the same, the said bonds are hereby declared null and void, and discharged from all prosecutions for the same, and the deposits shall be delivered up.

After 29 Nov.
1728. no wines
to be import-
ed in flasks,
bottles, or ves-
sels less than
25 gallons.

VII. And whereas great quantities of French wines and other wines, are imported in flasks and bottles and in small casks, which are frequently conveyed on shore without payment of duty, to the manifest loss of the revenue, and the detriment of the fair traders: be it enacted by the authority aforesaid, That from and after the twenty ninth day of November one thousand seven hundred and twenty eight, no wines (other than such as hereafter are mentioned) shall be imported into this kingdom in flasks or in bottles, or in any vessel or cask which shall contain less than twenty five gallons, upon pain of forfeiting the same, or the value thereof; one moiety of which forfeiture to be for the use of his Majesty, his heirs and successors, and the other moiety to him or them, who will seize, inform or sue for the same, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection or wager of law shall be allowed, or any more than one imparlance; or by virtue of any law or laws of excise, for such forfeiture as shall be incurred in that part of Great Britain called England, Wales, or Berwick upon Tweed; or in the court of exchequer in Scotland, for such forfeiture as shall be incurred in that part of Great Britain called Scotland; any law, custom or usage to the contrary notwithstanding.

Exception.

VIII. Provided always, and be it declared and enacted by the

the authority aforesaid, That this act, or any thing therein contained, shall not extend or be construed to extend to prohibit the importation of wines of the growth of the dominions of the great duke of *Tuscany* in open flasks, or wines of the growth of *Turkey*, or any other parts of the *Levant* seas, in the same manner as they have heretofore usually been imported.

IX. *And whereas by an act passed in the eighth year of the reign of his late majesty King George the First, For encouraging of the silk manufactures of this kingdom, and for other purposes therein mentioned, several allowances are to be made to the exporters of sundry manufactures of silk, and silk mixed with gold or silver, and with gogram, yarn, incle or worsted, to parts beyond the seas, upon a debenture verified by the searcher, and oath being made and security given by the exporter, not to reland the same in Great Britain; and such securities are to be discharged (except in cases otherwise provided for) upon proper certificates, testifying the landing the said goods in parts beyond the seas; which certificates in case of any entry for, or landing the said goods in Ireland, or in any other foreign port or place, where any officer or officers of his Majesty's customs shall be resident, are to be signed by the proper officer or officers of his Majesty's customs there; and in case of entry for any other foreign ports or places, such certificates are to be under the common seal of the chief magistrate in such port or place, or under the hands and seals of two known British merchants, then being at such port or place: and whereas it is found impracticable to bring any such certificates of landing, in cases where any of the said goods are sold on the coast of Africa, and some other foreign places, where no such certificates as the law directs can be obtained, and in cases of transhipping at Jamaica, and any other of the British plantations in America, without being landed there, into ships or vessels bound to Africa, and other foreign parts: be it therefore enacted and declared by the authority aforesaid, That in any of the said cases, where such certificates could not or cannot be had or obtained as aforesaid, the bonds or securities already given on exportation of the said goods, shall be discharged and vacated, upon proof made on the oath of the master, mate, purser, or other person, having the charge of the ship during the voyage, and also the oath of the merchant exporter, if living, that to the best of his or their knowledge and belief, the said goods have been disposed of at the places to be mentioned in the respective oaths or affidavits, and that they have not been reloaded or brought on shore again in any port or part of *Great Britain*, provided such proof be made on or before the first day of *May* one thousand seven hundred and twenty nine, otherwise the said bonds may be put in suit as if this act had not been made; and for the future such bonds or securities are to be discharged and vacated, on the like proof being made within eighteen months from the date of the bond, that the said goods were so disposed of in foreign parts as aforesaid, the examination and proof being left to the judgment of the commissioners of the customs in *England* or *Scotland* respectively for the time being.*

8 Geo. I. c. 15.
for preventing
frauds in ex-
porting silk
manufactures.

When certifi-
cate of land-
ing goods can-
not be obtain-
ed, the bonds
to be discharg-
ed on the oath
of the master,
&c.

X. *And whereas in and by an act of parliament made in the eighth year*

8 Geo. I. c. 14.

9Geo. 1. c. 8.

year of his late majesty King George the First, For encouragement of the silk manufactures of this kingdom, and for other purposes therein mentioned, certain allowances or sums of money are to be paid to the exporters of silk stuffs made in Great Britain, or silk mixed with gold or silver, program, yarn, incle, cotton or worsted, as in the said act is expressed; and provision was made in the said act, that no allowance should be demanded or made for such of the said manufactures, when they are only mixed with silk at the edge or ends of the piece, which not being sufficient to prevent frauds and abuses in making those manufactures, a further provision was made for that purpose by another act made in the ninth year of the reign of his said late Majesty, which by experience has still been found ineffectual, several ill disposed persons having only put a small tbread of silk scarce discoverable in the warp (by which is meant the length of the piece) not with intent to benefit the sale of the goods, but with a design to obtain the bounty or allowance on the exportation, contrary to the true intent and meaning of the said acts: for remedy whereof, be it enacted and declared by the authority aforesaid, That the said acts, or either of them, shall not extend or be construed to extend to the making any allowance on the exportation of any of the manufactures of stuffs aforesaid, mixt with silk, except the silk that shall be mixt in the warp, shall be obvious and apparent to the view of the proper officers of the customs, and that the silk therein used shall be double the value of the bounty intended to be paid on the exportation of the said manufactures respectively; any law or custom to the contrary notwithstanding.

XI. And for the relief of any person or persons, who through neglect or inadvertency have omitted to pay the several rates and duties, or any part thereof, upon monies given, paid, contracted or agreed for, with or in relation to any clerk, apprentice or servant, which hath been put or placed to or with any master or mistress, to learn any profession, trade or employment, and to have such indentures, or other writings, which shall contain the covenants, articles, contracts or agreements relating to the service of such clerk, apprentice or servant, stamped within the times by the several acts of parliament for those purposes respectively limited, or who have also in like manner omitted to insert, and write in words at length, in such indentures or other writings as aforesaid, the full sum or sums of money, or any part thereof received, or in any wise directly or indirectly given, paid, agreed or contracted for, with or in relation to every such clerk, apprentice or servant as aforesaid: be it enacted by the authority

Clause for giving further time to clerks and apprentices to pay duties.

aforesaid, That upon payment of the rates and duties upon monies, or such part of such monies so neglected or omitted to be paid as aforesaid, on or before the twenty fourth day of June one thousand seven hundred and twenty eight, to such person or persons to whom the same ought to be paid, and tendering the said indentures or other writings, to be stamped at the same time, or at any time on or before the twenty ninth day of September one thousand seven hundred and twenty eight (of which timely notice is to be given in the *London Gazette*) the same indentures or other writings, shall be good and available in law and

and equity, and may be given in evidence in any court whatsoever, and the clerk, apprentice or servant therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the rates and duties so omitted had been duly paid, and the full sum or sums received or agreed for as aforesaid, had been inserted; and the persons who have incurred any penalties by the omissions aforesaid, shall be acquitted and discharged from the said penalties; any thing in any of the said former acts to the contrary in any wise notwithstanding.

CAP. XVIII.

An act to explain and amend an act made in the twelfth year of the reign of his late majesty King George the First, for building a bridge cross the river of Thames, from the town of Fulham in the county of Middlesex, to the town of Putney in the county of Surrey, and for making the said act more effectual.

Commissioners for building the bridge at Fulham, may contract with any persons, as well commissioners as others, for erecting the bridge. May assign over in perpetuity the tolls to contractors for building the bridge. Commissioners not to build till satisfaction be given to the proprietors of the horse ferries.

CAP. XIX.

An act for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, or locks or other works, erected by authority of parliament, for making rivers navigable.

WHEREAS several ill designing and disorderly persons have in several parts of this kingdom associated themselves together both by day and night, and cut down, pulled down, burnt, and otherwise destroyed several turnpike gates and houses, which have been erected by the authority of several acts of parliament, made for repairing divers roads within this kingdom, by tolls taken or to be taken at such turnpikes, and thereby prevented the toll from being received, which has lessened the security of divers of his Majesty's good subjects, for considerable sums of money, which they have advanced or lent on the credit of the said acts, and deterred others from lending any money on the same, and thereby the said acts are become ineffectual, the laws now in force not inflicting any punishment on such offenders suitable to their offences; and whereas other evil disposed persons have threatened the pulling down and destroying of locks, sluices and floodgates, erected to preserve and secure the navigation of rivers made navigable pursuant to acts of parliament for that purpose; for preventing such wicked and unlawful practices for the future, and for rendering the said acts more effectual: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons whatsoever, from and after the twenty fourth day of June in the year of our Lord one thousand seven hundred and twenty eight, shall either by day or night wilfully and maliciously break down, cut down, pluck up, throw down, level, If any person shall break down any turnpike, he shall be sent to the common gaol or house of correction,

for 3 months.
*Breaking down
 turnpikes made
 felony by*
 5 Geo. 2. c. 33.

level, or otherwise destroy any turnpike gate or turnpike gates, or any post or posts, rail or rails, wall or walls, or other fence or fences, belonging to any such turnpike gate or turnpike gates, erected or to be erected, to prevent passengers from passing by, without paying the toll directed to be paid by any act or acts of parliament made or to be made for that purpose, every and all such person or persons so offending, being lawfully convicted thereof, upon the oath or oaths of one or more credible witness or witnesses, before any two or more justices of the peace of the county, riding, division, city, town, borough or corporation, wherein any such offence or offences shall be committed, or before the justices of the peace in open sessions (who are hereby authorized and impowered summarily and finally to hear and determine the same) shall be sent to the common gaol, or else to the house of correction, there to continue and be kept to hard labour for the space of three months, without bail or mainprize; and the said justices shall also order and adjudge, that such offender and offenders shall be, by the master or keeper of such gaol or house of correction as aforesaid, on the first convenient market day, once publicly and openly whipt in such city, town, borough or corporation, wherein or near which such offence shall be committed, at the market cross or market place there, between the hours of eleven and two of the clock.

and be whipt
 at the market
 cross.

Convicted a
 second time,
 or demolish-
 ing locks, to
 be transported
 for 7 years.

II. And be it further enacted by the authority aforesaid, That if any such person or persons so convicted shall, from and after the said four and twentieth day of June, commit any of the offences aforesaid a second time, or if any person or persons shall, either by day or night, wilfully and maliciously pull down or demolish any house or houses, erected or to be erected for the use and service of any turnpike gate or turnpike gates, or shall wilfully and maliciously break down or demolish any lock, sluice or floodgate, erected or to be erected by authority of parliament upon any navigable river, for preserving or securing the navigation thereof, and shall be lawfully convicted of the same respectively, upon indictment before any of his Majesty's justices of assize, *Oyer and Terminer*, or general gaol delivery for the county, city, town, borough or corporation, where such offence or offences respectively shall be committed, every such person and persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of felony, and every such felon and felons shall be subject and liable to the like pains and penalties, as in cases of felony; and the courts by and before whom such person or persons shall be tried, shall and hereby have power and authority to transport such felons for the space of seven years, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

III. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this present act, that in every such case the action or suit shall be commenced within six months next after the fact committed, and

not afterwards, and shall be laid and brought in such county or counties, place or places, where the cause of action shall arise, and not elsewhere; and the defendant and defendants in such action or suit to be brought, shall and may plead the general issue not guilty, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said act; and if it shall appear so to be done, or that such action or suit shall be brought after the time before limited for bringing the same as aforesaid, or shall be brought in any other county or counties, place or places, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her or their action or actions, after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law.

General issue.

IV. And be it further enacted by the authority aforesaid, That this act shall be publicly read at every quarter sessions, and at every leet or law day, during the continuance thereof, and that this act, and every part thereof, shall continue in force for the term of five years, and from thence to the end of the then next session of parliament, and no longer.

To be read,
&c.
The act 5 Geo.
2. c. 33. for
making this act
more effectual,
is continued by
20 Geo. 2. c.
47.

CAP. XX.

An act for erecting a workhouse in the city of Canterbury for employing and maintaining the poor there, and for better enlightning the streets of the said city.

After 1 May 1728, corporation to be erected at Canterbury. To be chosen by inhabitants rated to the poor, on the last Tuesday in June 1728. Inhabitants to meet in the several parish churches between nine and twelve in the forenoon to elect. May purchase lands, &c. not exceeding 400l. per ann. Parishes refusing to choose guardians, two justices, quorum unus, or any three, may choose them. None compelled to serve two years together. Guardians to meet on the first Tuesday in July 1728, to choose a president and receiver, to be chosen yearly. And a schoolmaster, clerk and other officers. Guardians to hold a court monthly. President may hold a court oftner, on three days notice. Any seven guardians may cause an extraordinary court to be holden. The hospital of poor priests in the city of Canterbury, with its revenues, vested in the guardians of the poor of that city. In trust to employ the profits for the maintenance of the poor of the corporation. Guardians at any court may assess the inhabitants for the use of the hospital. Persons grieved may appeal to the quarter-sessions. Corporation to maintain all the poor in the 24 parishes, &c. Guardians may order the constables, &c. to compel vagrants and beggars, &c. to work in the workhouses. May bind out apprentices, and inflict corporal punishment. Committee may send poor persons to the workhouse, or otherwise relieve them. Corporation may agree with any parish in Kent, for setting to work their poor; but not thereby to create a settlement. Receiver before the determination of his office to account for all monies, &c. in his hands. Elections of president, &c. to be by ballot. No president or other officer liable to the penalties of 25 Car. 2. c. 2. Poor persons refusing to be placed in the workhouse to receive no relief. Guardians to allow relief to poor persons who shall fall sick, &c. Lamps to be lighted,

lighted in the publick streets from 1 Sept. to 1 May, yearly. A rate not exceeding 3 d. per pound per ann. for setting up and maintaining the lights. Persons aggrieved may appeal to the quarter-sessions. Collectors of the lamp-duties to account.

CAP. XXI.

An act to explain and amend an act passed in the thirteenth year of his late Majesty's reign, intituled, *An act for sale of such of the forfeited estates in that part of Great Britain called Scotland, as remain unsold, and are vested in the crown; and for determining such claims on the said estates as having been duly entered remain undetermined.* EXP.

13 Geo. 1.
c. 28.

His Majesty may appoint five of the judges of Scotland to be a court of delegates, to determine appeals, as the delegates appointed by 4 Geo. 1. c. 8. might. Claims containing a demand of money affecting a forfeited estate, court to issue a debenture for such money, and exchequer to pay it in the first place. All books, &c. relating to forfeited estates to be delivered up by the commissioners before 12 June 1728, into the exchequer. Registers, &c. not delivering them up, barons may summon them; and on contempt may commit them to the common gaol. The books to be delivered into the court of delegates by 12 June 1728.

CAP. XXII.

An act to explain the acts of the third and ninth years of his late Majesty's reign for continuing the duty of two penny Scots on every pint of ale and beer sold in the city of Edinburgh, in relation to the payment of petty port customs; and for the more effectual securing the payment of such money as hath been or shall be contributed towards a charitable fund for the relief of such as shall suffer by fire in the said city, and the suburbs and liberties thereof.

3 Geo. 1. c. 5.

WHEREAS by an act of parliament made and passed in the third year of the reign of his late majesty King George the First, intituled, An act for continuing the duty of two penny Scots, or one sixth part of a peny sterling, on every pint of ale and beer that shall be vended or sold within the city of Edinburgh, and privileges thereof, for the benefit of the said city, and for discontinuing the payment of the dues, commonly called *the petty port customs*, at Edinburgh, during the continuance of this act; and by another act of parliament made and passed in the ninth year of the reign of his said late Majesty, intituled, An act for enlarging the term granted by an act made in the third year of his Ma-

9 Geo. 1. c. 14.

jefty's reign for continuing the duty of two penny Scots upon every pint of ale and beer sold in the city of Edinburgh, for the purposes therein mentioned; and for discontinuing the payment of the petty port customs there; and for making the said act more effectual, it is provided and enacted, for the ease of all such persons as live in the neighbourhood of and have commerce with Edinburgh, That during the continuance of both the aforesaid acts of parliament certain dues, paid and commonly known by the name of petty port customs, payable at the ports of the city of Edinburgh, should be discontinued and cease; and whereas several doubts and difficulties and disputes have arisen, and may yet arise, touching the import and meaning

meaning of the said clause or proviso in the said acts, by reason that the aforesaid dues or petty port customs, intended thereby to be discontinued, are not therein particularly specified and described, so as the same may be distinguished from such other parts of the petty customs belonging to the said city, as were not intended by the said clause or clauses in the acts aforesaid, or either of them, to be discontinued: therefore for explaining thereof, and for preventing any doubts or disputes for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That such parts of the aforesaid petty port customs, to be discontinued as aforesaid, shall be and they are hereby limited and restrained to the customs usually levied and collected at any gate or gates, avenue or avenues of the said city of *Edinburgh*, for such ale, beer, wines, spirits and foreign liquors as shall be brought in there for private use, and not for sale, and for all manner of vivers, all grain, great or small, of any kind, and for all hay, grafs, straw, lint, lint-feed and rape-feed of the growth of *Great Britain*, and wool and wool manufactured, skins and hides dressed and undressed, and for linen cloth of all sorts, being the produce of *Great Britain*, and for meal, malt and cheese, and for all stones, lime, timber and all other materials for building, all coals, peits, turfs, tallow and all manner of household furniture which shall be brought into the said city of *Edinburgh* or liberties thereof, by horses, carts, carriages, sledges, slypes or any other manner of way.

Petty port customs described.

II. Provided always, and be it enacted, That if any person or persons shall presume to demand or take any duty for any of the goods herein before specified and described (except as herein is after excepted) every such person and persons, being thereof lawfully convicted before any judge competent, shall forfeit and pay the sum of twenty shillings sterling to the owner or owners of such goods, for which any duty shall be demanded and taken.

Demanding any duty for goods described forfeits 20s. sterling.

III. Provided always, and it is hereby declared, That nothing herein contained shall extend to, or prevent, or prejudice the payment of the duty, called *The Cawsey Mail*, or duty on shod carts, payable to the said city; and also all duties chargeable on all ale, beer, wine, spirits and foreign liquors which are for sale; and all duties chargeable upon all coals, peits, turfs and timber to be imported or brought in from *Leith* into the said city or liberties thereof by carts, sledges or slypes; and also all duties chargeable upon hearfes and hackney coaches, and all duties upon all sugars, tobaccos and soap; and the duties chargeable upon all timbers, lint, lint-feed and rape-feed not of the produce of *Great Britain*; and on all hemp, iron, tar and other foreign commodities which shall be brought in on carts, sledges or slypes, horses burdens or any other manner of way whatsoever, into the said city or privileges thereof, from every place; and the duties on all goods whatsoever, other than those particularly exempted from the same as before-mentioned,

Not to prevent the payment of duties here enumerated.

which shall be brought in on carts, sledges or slypes into the said city or liberties thereof, by any person who is a common carter; and that the said city shall continue to enjoy, levy and receive the other customs and duties to them belonging, as particularly after specified, *videlicet*, the meal and corn market customs, the fish market customs, and board mails, the fruit market customs, the poultry and bread market customs, stand and board mails, the land cloth market, the land flesh market customs, the dues and customs of the tallow, iron, weighage, the customs chargeable on all sorts of cattle at the house of the *Muir*, and sheep slaikes, the custom of one mark upon each pack of all foreign goods, the custom of bush mail for all timber and other goods brought into the timber hoff or bush at *Leith*, the shore dues, one mark *per tun* of goods and other duties payable for all goods imported to or exported from the harbour of *Leith*, the duties and customs payable for weighage and lyage, and of all goods whatever weighed or lodged in the weigh-houses of *Edinburgh* or *Leith*, the market custom for leather, and the import or duty on wines, spirits or foreign liquors, with all other duties and customs belonging to the said city not hereby expressly discontinued as aforesaid; and that the said several dues, duties and customs last mentioned shall be, remain and be paid in such manner, and by such means and methods, as they were made payable before the passing of this or the above in part recited acts; any thing herein, or in the above in part recited acts of parliament, or either of them, contained to the contrary notwithstanding.

IV. *And whereas the houses and buildings in the said city of Edinburgh, and suburbs and liberties thereof, are much exposed to fire by reason of the nearness to each other and the height thereof, many families inhabiting under one and the same roof; and whereas for the relief of such persons as shall suffer by fire, many of the owners and proprietors of houses and buildings within the said city, suburbs and liberties, have (with the consent and approbation of the magistrates and town council of the said city) entered into mutual covenants and agreements to subject themselves to the payment of certain small sums (in proportion to the value and extent of their property) to create and establish a general charitable fund or stock for their mutual relief in case of accidents by fire, to be put under the directions and management of persons chosen by the contributors to such general charitable fund, which by experience has been found to be much for the benefit and advantage of the said city, suburbs and liberties thereof, and will be much more useful and beneficial, if the bonds given or entred into by the contributors as aforesaid, could be made a real charge upon such houses or buildings for which such contribution was made, without taking infeoffment, the expence whereof will in many cases exceed the sum mentioned in such bond: now for promoting and encouraging so good and charitable a design, be it further enacted by the authority aforesaid, That from and after the fifth day of June one thousand seven hundred and twenty eight it shall and may be lawful to and for the managers or directors of the said general charitable fund or stock for the time being, and their successors*

Clause for securing the payment of money contributed to-

in office, to take and receive from such person and persons as hath or have signed, or entred into the articles or covenants for contributing, or shall hereafter sign or enter into articles or covenants to contribute to the said general fund or stock, a bond or bonds, carrying interest payable to such person as is or shall be appointed cashier to the said contributors for the time being, and his successors in the said office, for such sum or sums of money as hath, have or shall be contributed by such person or persons as hath, have or shall sign such articles or covenants for the said general charitable fund for the purposes aforesaid; and the said cashier for the time being, and his successors in office shall, and he is hereby required with all convenient speed to carry, deliver or tender, or cause to be carried, tendred or delivered such bond and bonds so given as aforesaid, to the office kept by the clerk, or keeper of the register for seizins within and for the said city of *Edinburgh*; and the said clerk and keeper of the said register is hereby directed and required to register such bond and bonds, and to deliver back the same duly registred within twenty four hours after such bond or bonds is and are offered at such register-office, with a certificate upon the back of each bond so tendred or delivered, duly signed by the clerk or keeper of such register, mentioning the day and time of the day such bond shall be registred, and also the book and page or pages of such book wherein such bond or bonds is or are registred or recorded; and such clerk or keeper shall and may demand for registring of each bond, and writing and signing the certificate thereof, the sum of one shilling sterling, and no more; and that such sum and sums of money due or to grow due upon such bond or bonds shall, from and after the day and time the same shall be so registred and certified, be and the same is and are hereby declared and enacted to be a real charge and incumbrance upon such house, tenement, houses or tenements, building or buildings, for or in consideration whereof such bond or bonds was or were given or entred into; and that in all cases where there shall happen to be any dispute between creditors or other claimants, such bond and bonds shall be classed, ranked and preferred according to the day and time of the day the same was or were registred and shall be, and the same are hereby declared to be of the same validity, force and effect, as if formal infeoffments had been taken on such bond and bonds of the date of which the same shall respectively be registred; any law, statute, custom or usage to the contrary thereof notwithstanding.

C A P. XXIII.

An act for indemnifying persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose; and for repealing so much of two acts of parliament therein mentioned as requires persons to qualify themselves to continue in offices or employments for the space of six months, after the demise of his Majesty, his heirs or successors.

Persons

Persons who have omitted to qualify themselves, taking the oaths, &c. before 28 Nov. 1728, indemnified. Persons who have qualified themselves since 11 June 1727, also indemnified. Not to extend to offices actually avoided or filled up. Officers in Scotland taking the oaths at Westminster, to transmit within three months a certificate thereof to Scotland. Justices at the late King's demise, and commissioned since 11 June 1727, to qualify themselves before 28 Nov. 1728. Justices at the late King's demise, and commissioned by his present Majesty before 13 Feb. 1727, and since 11 June 1727, having qualified themselves, not obliged to qualify again. E X P.

Part of the
acts 4 Ann. c.
8.

6 Ann. c. 7.
repealed.

1 Geo. 1. stat.
1. c. 5.

VII. *And whereas by an act of parliament made in the fourth year of the reign of her late majesty Queen Anne, intituled, An act for the better security of her Majesty's person and government, and of the succession to the crown of England in the protestant line, and also by another act made in the sixth year of her said late Majesty's reign, intituled, An act for the security of her Majesty's person and government, and of the succession to the crown of Great Britain, in the protestant line, all officers thereby continued for the space of six months after the demise of her said late Majesty, her heirs or successors, unless sooner removed or discharged by the next in succession, are obliged to take the oaths therein mentioned, and to do all other acts requisite by the laws and statutes of this realm, to qualify themselves to be and continue in such their respective places, offices and employments, within such time and in such manner, and under such pains, penalties and disabilities, as they should or ought to do, had they been newly elected, appointed, constituted and put into such offices, places or employments in the usual and ordinary way: and whereas so much of the said acts as relates to the taking the oath of office, was repealed by an act of the last session of parliament, intituled, An act for making further provisions to enable persons possessed of offices at the demise of his late Majesty to qualify themselves for the enjoyment of such offices, and for altering and explaining the acts of parliament therein mentioned, in relation to qualifying persons for continuing in offices, and to the continuance of the sheriffs of the county of Cornwall and county Palatine of Chester, and several other offices therein mentioned, after the demise of his late Majesty, his heirs and successors; and for continuing such laws as would expire at the end of this session of parliament: and whereas the obligation to take the other oaths, and to do the acts by the said statutes required, to qualify persons to continue in their respective offices as aforesaid, hath occasioned many inconveniencies; be it therefore enacted by the authority aforesaid, That so much of the said acts as requires any person or persons to take the said oaths therein mentioned, or to do any other act requisite by the laws and statutes of this realm, to qualify himself or themselves as aforesaid, in respect of his or their being continued in any office, place or employment for the space of six months as aforesaid, shall be and is hereby absolutely repealed.*









